

Michigan Commission on Law Enforcement Standards

## Policy & Procedure Manual

2002 Revision

April 11, 2002

## **Index**

### Michigan Commission On Law Enforcement Standards Policy and Procedures Manual

**Chapter I** Michigan Commission On Law Enforcement Standards

**Chapter II** Employment Standards

**Chapter III** Local and Regional Basic Training Schools

**Chapter IV** Preservice Track Basic Training

**Chapter V** Officer Recertification

**Chapter IV** Acceptance of Federal and Military

Certified Basic Training and Experience



# MC©LES Policy & Procedure

## **Chapter I**

## THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

### TABLE OF CONTENTS

#### THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

### Chapter I

#### <u>Unit</u>

- 1. Public Act 203, of 1965, as amended / Executive Order 2001-5
- 2. Mission, Values, Role
- 3. Philosophy Statement for the Basic Training Program

# The Michigan Commission on Law Enforcement Standards Chapter I – Unit I

#### Public Act 203, of 1965, as amended

#### ACT NO. 203, P.A. 1965

As amended by Act No, 220, P.A. 1968, Act No. 187, P.A. 1970, Act No. 31, P.A., 1971, Act No. 422, P.A. 1976, and Act No. 15, P.A. 1985, Act. No. 155, P.A. 1994, Act No. 204, P.A. 1995, Act. No. 545, P.A. 1996, and Act. No. 237, P.A. 1998.

An act to provide for the creation of the commission on law enforcement standards; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.

The People of the State of Michigan enact:

#### MCL §28.601 Short Title.

Sec. 1. This act shall be known and may be cited as the "commission on law enforcement standards act."

#### MCL §28.602 Definitions

- Sec. 2. As used in this act:
  - (a) "Certificate" means a numbered document issued by the commission to a person who has received certification under this act.

- (b) "Certification" means either of the following:
  - (i) A determination by the commission that a person meets the law enforcement officer minimum standards to be employed as a commission certified law enforcement officer and that the person is authorized under this act to be employed as a law enforcement officer.
  - (ii) A determination by the commission that a person was employed as a law enforcement officer before January 1, 1977 and that the person is authorized under this act to be employed as a law enforcement officer.
- (c) "Commission" means the commission on law enforcement standards created in section 3.
- (d) "Contested case" means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.
- (e) "Executive Director" means the executive director of the commission appointed under section 12.
- (f) "Felony" means a violation of a penal law of this state or another state that is either of the following:
  - (i) Punishable by a term of imprisonment greater than 1 year.
  - (ii) Expressly designated a felony by statute.
- (g) "Fund" means the law enforcement officers training fund created in section 13.
- (h) "Law enforcement officer minimum standards" means standards established by the commission under this act that a person must meet to be eligible for certification under section 9a(1).
- (i) "Law enforcement officer of a Michigan Indian tribal police force" means a regularly employed member of a police force of a Michigan Indian tribe who is appointed pursuant to 25 C.F.R. 12.100 to 12.103.

- (j) "Michigan Indian tribe" means a federally recognized Indian tribe that has trust lands located within this state.
- (k) "Police officer" or "law enforcement officer" means, unless the context requires otherwise, either of the following:
  - (i) A regularly employed member of a police force or other organization of a city, county, township, or village, of the state, or of a state university or community college, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state. Police officer or law enforcement officer does not include a person serving solely because he or she occupies any other officer or position.
  - (ii) A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations set forth in section 9(3).
- (l) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

#### MCL §28.603 Law enforcement commission; creation, membership.

- Sec. 3 (1) The commission on law enforcement standards is created to carry out the intent of this act.
  - (2) The commission consists of the following 11 members:
    - (a) The attorney general, or his or her designated representative.
    - (b) The director of the department of state police, or his or her designated representative.
    - (c) Nine members appointed by the governor, with the advice and consent of the Senate, as follows:
      - (i) Three individuals selected from a list of 6 active voting members of and submitted by the Michigan association of chiefs of police or its successor organization.

- (ii) Three individuals selected from a list of 6 elected sheriffs submitted by the Michigan sheriffs association or its successor organization.
- (iii) One individual selected from a list of 3 names submitted by the Michigan chapter of the fraternal order of the police or its successor organization.
- (iv) One individual selected from a list of 3 names submitted by the police officers association of Michigan or its successor organization.
- (v) One individual selected from a list of 3 individuals submitted by the Detroit police officers associations or their successor organization.
- (d) An individual selected under subdivision (c) shall serve as a commission member only while serving as a member of the respective organization in subparagraphs (i) to (v).
- (3) The terms of the members of the law enforcement officers training council expire on the date that all members of the commission on law enforcement standards are appointed.

#### MCL §28.604 Law enforcement commission; terms, vacancies, reappointment.

(1) Except as otherwise provided in this subsection, members of the commission appointed under section 2(2)(c) shall hold office for a term of 3 years. Of the members initially appointed from the list of nominees submitted by the Michigan association of chiefs of police, 1 member shall be appointed for a term of 3 years, 1 member shall be appointed for a term of 2 years, and 1 member shall be appointed for a term of 1 year. Of the members initially appointed from a list of nominees submitted by the Michigan sheriffs' association, 1 member shall appointed for a term of 3 years, 1 member shall be appointed for a term of 2 years, and 1 member shall be appointed for a term of 1 year.

Sec. 4.

- (2) A vacancy on the commission caused by expiration of a term or termination of a member's official position in law enforcement shall be filled in the same manner as the original appointment.
- (3) A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

## MCL §28.605. Law enforcement commission; officers, terms; limitations of power; nonforfeiture of employment.

- Sec. 5. (1) The commission shall elect from among its members a chairperson and a vice-chairperson who shall serve for 1-year terms and who may be re-elected.
  - (2) Membership on the commission does not constitute holding a public office, and members of the commission are not required to take and file oaths of office before serving on the commission.
  - (3) The commission does not have the right to exercise any portion of the sovereign power of the state.
  - (4) A member of the commission is not disqualified from holding any public office or employment by reason of his appointment or membership on the commission, and shall not forfeit any public office or employment, because of his or her appointment to the commission, notwithstanding any general, special or local law, ordinance or city charter.

## MCL §28.606. Law enforcement commission; meetings; procedures and requirements; conducting business at public meeting; notice.

Sec. 6. (1) The commission shall meet not less than 4 times in each year and shall hold special meeting when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson. A special meeting of the commission shall be called by the chairperson upon the written request of 5 members of the commission.

- (2) The commission shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters.
- (3) The commission's business shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

#### MCL §28.607. Law enforcement commission; annual report to governor.

Sec. 7. The commission shall make an annual report to the governor that includes pertinent data regarding the law enforcement officer minimum standards and the degree of participation of municipalities in the training programs.

#### MCL §28.608. Commission members; compensation, expenses.

Sec. 8. The members of the commission shall serve without compensation.

The members of the commission are entitled to their actual expenses in attending meetings and in the performance of their official duties.

## MCL §28.609. Minimum employment standards, rule promulgation, subject matter, waiver of requirements.

- Sec. 9 (1) The commission shall promulgate rules to establish law enforcement officer minimum standards. In promulgating the law enforcement officer minimum standards, the commission shall give consideration to the varying factors and special requirements of local police agencies. The enforcement officer minimum standards shall include all of the following:
  - (a) Minimum standards of physical, educational, mental, and moral fitness which shall govern the recruitment, selection, appointment and certification of law enforcement officers.
  - (b) Minimum courses of study, attendance requirements, and instructional hours required at approved police training schools.

- (c) The rules promulgated under this section shall not apply to a member of a sheriff's posse or a police auxiliary temporarily performing his or her duty under the direction of the sheriff or police department.
- (e) Minimum basic training requirements that a person, excluding sheriffs, shall complete before being eligible for certification under section 9a(1).
- (2) If a person's certification under section 9a(1) becomes void under section 9a(4)(b), the commission shall waive the requirements described in subsection (1)(b) for certification of the person under section 9a(1) if 1 or more of the following apply:
  - (a) The person has been employed 1 year or less as a commission certified law enforcement officer, and is again employed as a law enforcement officer within 1 year after discontinuing employment as a commission certified law enforcement officer.
  - (b) The person has been employed more than 1 year but less than 5 years as a commission certified law enforcement officer and is again employed as a law enforcement officer within 18 months after discontinuing employment as a commission certified law enforcement officer.
  - (c) The person has been employed 5 years or more as a commission certified law enforcement officer and is again employed as a law enforcement officer within 2 years after discontinuing employment as a commission certified law enforcement officer.
  - (d) The person has successfully completed the mandatory training and has been continuously employed as a law enforcement officer, but through no fault of that person the employing agency failed to obtain certification for that person as required by this act.

- (3) The commission shall promulgate rules with respect to all of the following:
  - (a) The categories or classifications of advanced in-service training programs for commission certified law enforcement officers and minimum courses of study and attendance requirements for the categories or classifications.
  - (b) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of police agencies that are unable to support their own training programs.
  - (c) The commission's acceptance of certified basic police training and law enforcement experience received by a person in another state in fulfillment in whole or in part of the law enforcement officer minimum standards.
  - (d) The commission's approval of police training schools administered by a city, county, township, village, corporation, college, community college, or university.
  - (e) The minimum qualification for instructors at approved police training schools.
  - (f) The minimum facilities and equipment required at approved police training schools.
  - (g) The establishment of preservice basic training programs at colleges and universities.
  - (h) Acceptance of basic police training and law enforcement experiences received by a person in fulfillment in whole or in part of the law enforcement officer minimum standards prepared and published by the commission if both of the following apply:
    - (i) The person successfully completed the basic police training in another state or through a federally operated police training school that was sufficient to fulfill the minimum standards required by federal law to be appointed as a law enforcement officer of a Michigan Indian tribal police force.

- (iii) The person is or was a law enforcement officer of a Michigan Indian tribal police force for a period of 1 year or more.
- (4) Except as otherwise provided in this section, a regularly employed person employed on or after January 1, 1977, as a member of a police force having a full-time officer is not empowered to exercise all the authority of a peace officer in this state, or be employed in a position for which the authority of a peace officer is conferred by statute, unless the person has received certification under section 9a(1).
- (5) A law enforcement officer employed before January 1, 1977, may continue his or her employment as a law enforcement officer and participate in training programs on a voluntary or assigned basis but failure to obtain certification under section 9a(1) or (2) is not grounds for dismissal of or termination of that employment as a law enforcement officer. A person who was employed as a law enforcement officer before January 1, 1977, who fails to obtain certification under section 9a(1) and who voluntarily or involuntarily discontinues his or her employment as a law enforcement officer may be employed as a law enforcement officer if he or she was employed 5 years or more as a law enforcement officer and is again employed as a law enforcement officer within 2 years after discontinuing employment as a law enforcement officer.
- (6) A law enforcement officer of a Michigan tribal police force is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:
  - (a) The tribal law enforcement officer is certified under this act.
  - (b) The tribal law enforcement officer is one of the following:
    - (i) Deputized by the sheriff of the county in which the trust lands of the Michigan Indian tribe employing the tribal law enforcement officer are located, or by the sheriff of any county that borders the trust lands of the Michigan Indian tribe, pursuant to section 70 of 1846 RS 14, MCL 51.70.
    - (ii) Appointed as a police officer of the state or a city, township, charter township, or village that is authorized by law to appoint individuals as police officers.

- (c) The deputation or appointment of the tribal law enforcement officer described in subdivision (b) is made pursuant to a written contract that includes terms the appointing authority under subdivision (b) may require between the state and local law enforcement agency and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer.
- (d) The written contract described in subdivision (c) is incorporated into a self-determination contract, grant agreement, or cooperative agreement between the United States secretary of the interior and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer pursuant to the Indian self-determination and education assistance act, Public Law 93-638, 88 Stat. 2203.
- (7) The commission may establish an evaluation or testing process, or both, for granting a waiver from the law enforcement officer minimum standards regarding training requirements to a person who has held a certificate under this act and who discontinues employment as a law enforcement officer for a period of time exceeding the time prescribed in subsection (2)(a) to (c) or subsection (5), as applicable.

#### MCL §28.609a. Officer certification; Revocation.

- Sec. 9a.
- (1) The commission shall grant certification to a person who meets the law enforcement officer minimum standards at the time he or she is employed as a law enforcement officer.
- (2) The commission shall grant certification to a person who was employed as a law enforcement officer before January 1, 1977 and who fails to meet the law enforcement minimum standards if the person is authorized to be employed as a law enforcement officer under section 9.
- (3) The commission shall grant certification to an elected sheriff, which certification shall remain valid only while that sheriff is in office.

- (4) Certification granted to a person under this act is valid until either of the following occurs:
  - (a) The certification is revoked.
  - (b) The certification becomes void because the person discontinues his or her employment as a commission certified law enforcement officer.
- (5) The commission shall issue a certificate to a person who has received certification. A certificate issued to a person remains the property of the commission.
- (6) Upon request of the commission, a person whose certificate is revoked, or becomes void because the person discontinues his or her employment as a commission certified law enforcement officer, shall return to the commission the certificate issued to the person. A violation of this subsection is a misdemeanor punishable by imprisonment for 90 days, a fine of not more than \$500.00, or both.

#### MCL §28.609b. Certificate; Rules for revocation; Judicial review.

- Sec. 9b. (1) The commission shall promulgate rules that provide for the revocation of certification of a law enforcement officer for 1 or more of the following:
  - (a) Conviction by a judge or jury of a felony.
  - (b) Conviction by a plea of guilty to a felony.
  - (c) Conviction by a plea of no contest to a felony.
  - (d) Making a materially false statement or committing fraud during the application for certification process.
  - (2) The rules shall provide for the suspension of a law enforcement officer from use of the law enforcement information network in the event the law enforcement officer wrongfully discloses information from the law enforcement information network.

- (3) Except as provided in subsection (4), if the commission issues a final decision or order to revoke the certification of a law enforcement officer, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
- (4) A petition for judicial review of a final decision or order of the commission revoking the certification of a law enforcement officer shall be filed only in the circuit court for Ingham County.
- (5) The commission may issue a subpoena in a contested case to revoke a law enforcement officer's certification. The subpoena shall be issued as provided in section 73 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.273.

#### MCL §28.609c. Investigation of violations; Commission powers.

- Sec. 9c. (1) The commission may investigate alleged violations of this Act or rules promulgated under this Act.
  - (2) In conducting an investigation, the commission may hold hearings, administer oaths, issue subpoenas, and order testimony to be taken at a hearing or be deposition. A hearing held under this section shall be conducted in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A final decision order issued by the commission is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, PA 306, MCL 24.301 to 24.306.
  - (3) The commission may issue a subpoena to do either of the following:
    - (a) Compel the attendance of a witness to testify at a hearing or deposition and give testimony.
    - (b) Produce books, papers, documents, or other items.
  - (4) If a subpoena issued by the commission is not obeyed, the commission may petition the circuit court to require the attendance of a witness or the production of books, papers, documents, or other items. The circuit court may issue an

order requiring a person to appear and give testimony or produce books, papers, documents, or other items. Failure to obey the order of the circuit court may be punishable by the court as a contempt of court.

#### MCL §28.609d. Employment history records; Reporting requirements.

- Sec. 9d. (1) A law enforcement agency shall maintain an employment history record for each law enforcement officer employed by the law enforcement agency in the manner prescribed by the commission.
  - (2) A law enforcement agency shall report the date on which each person commences or terminates employment as a law enforcement officer for the law enforcement agency in the manner prescribed by the commission.

### MCL §28.610. Agreements of commission with other agencies, colleges and universities.

Sec. 10. The commission may enter into agreements with colleges, universities and other agencies to carry out the intent of this act.

#### MCL §28.611. Law enforcement commission; additional powers.

- Sec. 11. The commission may do all of the following:
  - (a) Visit and inspect a police training school, or examine the curriculum or training procedures of a police training school, for which application for approval of the school has been made.
  - (b) Issue certificates of approval to police training schools.
  - (c) Authorize the issuance of certificates of graduation or diplomas by approved police training schools to law enforcement officers who have satisfactorily completed minimum courses of study.

- (d) Cooperate with state, federal, and local police agencies to establish and conduct local or area schools, or regional training centers for instruction and training of law enforcement officers of this state, and of its cities, counties, townships, and villages.
- (e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.
- (f) Establish preservice basic training programs at colleges and universities.
- (g) Require an examination for law enforcement officer certification under section 9a(1).
- (h) Issue a waiver as provided for under section 9 (7), or 9 (3)(c), or 9 (3)(h).
- (i) Establish and charge a fee to recover the cost of testing and training individuals who are not employed by a Michigan law enforcement agency.
- (j) Establish and charge a fee to recover the cost of issuing and reissuing certificates for individuals who are certified as law enforcement officers in this state.
- (2) Fees charged under subsection (1)(i) and (j) shall be deposited in the law enforcement officer training fund created in section 13.

#### MCL §28.612. Executive director; appointment; term, duties, compensation.

Sec. 12. The commission shall appoint an executive director of the commission. The executive director shall hold office at the pleasure of the commission. The executive director shall perform the functions and duties that are assigned to him or her by the commission. The executive director shall receive compensation and reimbursement for expenses as provided by appropriation.

#### MCL §28.613. Law enforcement officers training fund; creation; appropriation.

Sec. 13. There is created in the state treasury a law enforcement officers training fund, from which, the legislature shall appropriate sums deemed necessary for the purposes of this act.

## MCL §28.614. Law enforcement officers training fund; payment of amounts appropriated; reimbursement of training costs and living expenses; reduction of amounts; prohibited allocations.

- Sec. 14. (1) The amounts annually appropriated by the legislature from the law enforcement officers training fund shall be paid by the state treasurer as follows:
  - (a) In accordance with the accounting law of the state upon certification of the executive director to reimburse an amount not to exceed the training costs incurred for each officer meeting the recruitment standards prescribed pursuant to this act during the period covered by the allocation, plus an amount not to exceed the necessary living expenses incurred by the officer that are necessitated by training requiring that he or she be away from his or her residence overnight.
  - (b) For maintenance and administration of law enforcement officer testing and certification provided for by this act.
  - (2) If the money in the fund to be appropriated by the legislature for the training and living expenses described in subsection (1) are insufficient to allocate the amount for training and living purposes, the amount shall be reduced proportionately.
  - (3) An allocation shall not be made from the fund under this section to a training agency or to a city, county, township, or village or agency of the state that has not, throughout the period covered by the allocation, adhered to the standards established by the commission as applicable to either training or to personnel recruited or trained by the training agency, city, county, township, or village or agency of the state during that period.
  - (4) Expenditures from the fund to be appropriated by the legislature for law enforcement officer testing and certification described in subsection (1) shall not exceed the revenue generated from fees collected pursuant to section 11 (1)(i)(j).

#### MCL §28.615. Application for reimbursement; contents.

Sec. 15. A training agency, city, county, township, or village or state agency that desires to receive reimbursement pursuant to section 14 shall apply to the commission for the reimbursement. The application shall contain information requested by the commission.

#### MCL §28.616. Effective date.

Sec. 16. This act is ordered to take immediate effect.



John Engler Governor

Michigan Commission on Law Enforcement Standards EXECUTIVE ORDER 2001-5

#### **EXECUTIVE ORDER**

No. 2001 - 5

MICHIGAN JUSTICE TRAINING COMMISSION AND
MICHIGAN JUSTICE TRAINING FUND
COMMISSION ON LAW ENFORCEMENT STANDARDS

**AND** 

LAW ENFORCEMENT OFFICERS TRAINING FUND
MICHIGAN COMMISSION ON LAW ENFORCEMENT
STANDARDS

MICHIGAN DEPARTMENT OF STATE POLICE EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Justice Training Commission and the Michigan Justice Training Fund were created within the Department of Management and Budget by Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; and subsequently transferred to the Department of State Police by Executive Order 1993-11, being Section 18.431 of the Michigan Compiled Laws; and

WHEREAS, the Michigan Law Enforcement Officers Training Council (later renamed the Commission on Law Enforcement Standards by Act No. 237 of the Public Acts of 1998, which amended Section 28.601 et seq. of the Michigan Compiled Laws) and the Law Enforcement Officers Training Fund were created under Act No. 203 of the Public Acts of 1965, as amended, being section 28.601 et seq. of the Michigan Compiled Laws; and subsequently transferred by a Type I transfer to the Department of State Police by Act No. 407 of the Public Acts of 1965, being Section 16.257 of the Michigan Compiled Laws; and

WHEREAS, the powers, functions, duties and responsibilities assigned to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards, and the Law Enforcement Officers Training Fund can be more effectively carried out by a new Michigan Commission on Law Enforcement Standards; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

- I. New Michigan Commission on Law Enforcement Standards.
  - A. The new Michigan Commission on Law Enforcement Standards is hereby created as a Type I agency with the Department of State Police.
  - B. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund including those involving rulemaking, grant awards and annual distributions and including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in:
  - 1. The Commission on Law Enforcement Standards Act, Act No. 203 of the Public Acts of 1965, as amended, being Section 28.601 et seq. of the Michigan Compiled Laws;
  - 2. The Michigan Justice Training Commission and Michigan Justice Training Fund Act, Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; are hereby transferred to the new Michigan Commission on Law Enforcement Standards by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
  - C. The new Michigan Commission on Law Enforcement Standards shall consist of fifteen (15) members as follows:
  - 1. The Attorney General, or the designated representative of the Attorney General;
  - 2. The Director of the Department of State Police, or the Director's designated representative who is a Michigan State Police Officer;

- 3. The Chief of the Police Department located in a city with a population of more that 750,000, or the Chief's designated representative who is a command officer with that department; and
- 4. Twelve (12) members appointed by the governor, with the advice and consent of the Senate, as follows:
- a. Three (3) individuals selected from a list of nine (9) active voting members of and submitted by the Michigan Association of Chiefs of Police or its successor organization;
- b. Three (3) individuals selected from a list of nine (9) elected sheriffs submitted by the Michigan Sheriffs' Association or its successor organization;
- c. One (1) individual selected from a list of three (3) individuals submitted by the Prosecuting Attorneys' Association of Michigan or its successor organization;
- d. One (1) individual selected from a list of three (3) individuals submitted by the Criminal Defense Attorneys of Michigan or its successor organization;
- e. One (1) individual selected from a list of three (3) individuals submitted by the Michigan State Police Troopers Association or its successor organization;
- f. One (1) individual selected from a list of three (3) individuals submitted by the Michigan Chapter of the Fraternal Order of Police or its successor organization;
- g. One (1) individual selected from a list of three (3) individuals submitted by the Police Officers Association of Michigan or its successor organization;
- h. One (1) individual selected from a list of three (3) individuals submitted by a police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state or their successor organizations; and

- i. The Governor may appoint any individual meeting the membership requirements of the organizations listed in 4. a. through 4. h. in the event that an organization required to submit a list of potential candidates fails to submit a list:
- (1) at least 30 days prior to a vacancy created by the expiration of a term; or
- (2) within 30 days of the effective date of any other vacancy.
- 5. An individual selected under subdivision 4 shall serve as a commission member only while serving as a member of the respective organizations in subparagraphs 4. a. through 4. h.
- 6. Except as otherwise provided in this subdivision, members of the Commission appointed under subdivision 4 shall hold office for a term of three (3) years. However:
- a. Of the members initially appointed from the list of nominees submitted by the Michigan Association of Chiefs of Police, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.
- b. Of the members initially appointed from the list submitted by the Michigan Sheriffs' Association, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.
- c. The members initially appointed from the list of nominees submitted by the Michigan State Police Troopers Association and the Michigan Chapter of the Fraternal Order of Police shall be appointed for a term of two (2) years.
- d. The members initially appointed from the list of nominees submitted by the Police Officers Association of Michigan and the police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state shall be appointed for a term of one (1) year.
- 7. A vacancy on the commission caused by the expiration

of a term or termination of the member's official position in law enforcement shall be filled in the same manner as the original appointment.

- 8. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.
- D. The new Michigan Commission on Law Enforcement Standards, in addition to exercising the statutory authority, powers, duties, functions and responsibilities transferred to it by this order, shall focus its activities in order to accomplish the following objectives involving law enforcement organizations and officers:
- 1. Increase professionalism;
- 2. Increase the number of law enforcement organizations that offer formal in-service training and increase the number of law enforcement officers who receive formal in-service training;
- 3. Institute law enforcement in-service training standards applicable to all law enforcement in-service training in Michigan;
- 4. Implement a web-based information system that will allow the Commission to accomplish its goals and communicate with Michigan law enforcement organizations in a more efficient manner, and;
- 5. Ensure that grants awarded by the Commission to Michigan law enforcement organizations advance the objectives listed in subparagraphs D.1. through D.3.

#### II. Miscellaneous

A. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.

B. The Executive Director of the new Michigan Commission on Law Enforcement Standards shall

administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

- C. The Director of the Department of State Police and the Executive Director of the new Michigan Commission on Law Enforcement Standards shall immediately initiate coordination to facilitate the transfer and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or obligations to be resolved by the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund.
- D. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the new Michigan Commission on Law Enforcement Standards.
- E. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.
- F. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.
- G. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

H. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective November 1, 2001.

Given under my hand and the Great Seal of the State of Michigan this 30th day of August, in the Year of our Lord, Two Thousand One.

John Engler
GOVERNOR
BY THE GOVERNOR:
Candice Miller
SECRETARY OF STATE

## The Michigan Commission on Law Enforcement Standards

Chapter I – Unit 2

#### Mission, Values, Role

#### **MISSION**

The Michigan Commission on Law Enforcement Standards shall ensure that selection, employment, and training standards are responsive to the needs of the people of the State of Michigan and to the law enforcement profession.

#### **VALUES**

The Michigan Commission on Law Enforcement Standards believes that the people of the State of Michigan are entitled to the highest level of service from its law enforcement community. The Commission is entrusted by the people of Michigan to ensure that law enforcement officers are of the highest quality.

#### **ROLE**

The Michigan Commission on Law Enforcement Standards has the responsibility to prepare and publish minimum standards of physical, educational, mental and moral fitness. These standards shall govern the recruitment, selection, basic and in-service training and certification of law enforcement officers under the authority as vested in the Commission in P.A. 203 of 1965.

# The Michigan Commission on Law Enforcement Standards Chapter I – Unit 3

#### Philosophy Statement for the Basic Training Program

#### **POLICY**

The Michigan Commission on Law Enforcement Standards (MCOLES) Basic Training Philosophy shall be the basis upon which the mandated recruit training is designed and delivered at approved training academies.

#### **PURPOSE**

This chapter definitely presents the rationale for the MCOLES basic training program. This document serves as a statement of the Commission's organizational philosophy as it relates to the design and conduct of Michigan's mandated program.

#### **DEFINITION**

"The Commission" and "the MCOLES" are synonymous terms for the Michigan Commission on Law Enforcement Standards and are used interchangeably in this manual.

#### **INTRODUCTION**

The MCOLES was established in 1965 by Public Act 203 of 1965 which authorized the establishment of the MCOLES and enumerated its responsibilities. One critical responsibility required the Commission to prepare and publish minimum employment standards for the entry-level law enforcement officer position.

Initially the Commission's standards were voluntary. Since 1971, however, the enactment of various amendments to Public Act 203 has resulted in the Commission's standards becoming mandatory for any law enforcement agency that employs one or more full-time sworn officer(s). This includes more than 600 law enforcement agencies in Michigan, ranging in size from one full-time officer to a compliment of over 5,000. The types of agencies include city, township, county, state, university, airport, railroad, and conservation. Functions of officers vary from primarily custodial or traffic-related through a full range of police services, including major crime investigations.

Training standards for the entry-level position are embodied in the mandated MCOLES curriculum. The curriculum is presented to prospective law enforcement officers through the <u>basic training program</u> which is mandated, monitored, and controlled by the MCOLES. The MCOLES employment standards require that an individual successfully complete the basic training program in order to be eligible to enforce the general criminal statutes of the state.

The Commission designates regional academies, strategically located throughout the state in community colleges and police departments, and contracts with those academies to teach the mandated curriculum. The MCOLES has also approved several pre-employment criminal justice academic programs located in universities and community colleges.

#### **EMPLOYMENT CONSIDERATIONS**

The MCOLES has an obligation to ensure that individuals are properly trained and certified prior to becoming law enforcement officers. At the same time, the Commission must avoid setting employment standards which are irrelevant, arbitrary, or unnecessarily high. Failure to meet this obligation could jeopardize the safe and efficient operation of an agency and thus endanger public safety.

In recent years a considerable amount of legislation, both at the state and federal levels, has been passed in regard to "equal opportunity." One aspect of this legislation focuses on removing artificial barriers to an occupation of one's choice. This wave of legislation has particularly affected public sector organizations, including law enforcement agencies, in that the organizations are coming under increasing scrutiny concerning the job-relatedness of their employment standards.

Considering the Commission's statutory responsibility, and to satisfy the principles of merit selection, while at the same time ensuring that state and federal fair employment regulations are not subverted, the MCOLES has promulgated the following <u>organizational mission</u>.

#### **MISSION**

Within the context of the mandated basic training program, it is the mission of the MCOLES to prepare recruit trainees adequately to perform those law enforcement officer functions which occur in the initial years on the job. Trainees will be prepared to perform job tasks that include six major operational areas: (1) Patrol Procedures, (2) Investigation, (3) Detention and Prosecution, (4) Police Skills, (5) Traffic, and (6) Special Operations.

#### **EXPECTATIONS**

It is recognized that the foregoing mission statement identifies a significant organizational responsibility for the MCOLES. At the same time it implies certain expectations on the part of the general public, the Michigan law enforcement community, and the recruit trainee.

These expectations, which provide a foundation for the goals of the basic training program, as listed below.

#### **Public Expectations**

The Michigan public expects that a graduate of the basic training program will:

Meet the minimum employment standards.

Have acquired the knowledge and practical skills essential to perform the job of law enforcement officer.

Be able to independently address a law enforcement patrol situation, take an acceptable course of action, and deal with the situation in an efficient and effective manner.

Have an understanding of the law enforcement officer's role in a culturally diverse community relative to the performance of routine day-to-day activities, as well as, handling of emergency situations.

Treat the public fairly, ethically and equitably; in a timely and courteous way; demonstrate a professional bearing and manner.

#### Law Enforcement Community Expectations

The Michigan law enforcement community expects that a graduate of the basic training program will:

Have acquired the knowledge and practical skills essential to perform the law enforcement officer function.

Be able to independently address a law enforcement patrol situation, take an acceptable course of action, and deal with the situation in an efficient, effective manner.

Perform law enforcement officer duties in accordance with professional ethics and legal requirements.

Perform the law enforcement officer function willingly and conscientiously and display interest and motivation to serve the public and enforce the law.

Recognize that law enforcement officers represent only one component in the criminal justice system.

Represent law enforcement both efficiently and effectively while interacting within the criminal justice system.

Efficiently and effectively serve within the local community in a professional manner appropriate to the role of a law enforcement officer.

Be in compliance with the training requirements of Public Act 203 of 1965, as amended, and thereby be eligible to enforce the general criminal statutes of the state.

#### Furthermore:

Adequate training is a joint responsibility between the MCOLES and local law enforcement agencies. Law enforcement agencies have the responsibility to provide on-the-job training to ensure that all patrol officer job responsibilities not addressed in basic training are addressed at the local level.

#### <u>Trainee Expectations</u>

Trainees entering the basic training program expect that upon graduation of the basic training program they will:

Have acquired the knowledge and practical skills essential to perform the job, and be well prepared to exercise the functions of a law enforcement officer.

Be able to independently address a situation, identify and select from a range of appropriate options an acceptable course of action, and deal with the situation in an efficient, effective manner.

Have been well instructed and treated with dignity and respect as adult learners in an environment that is conducive to the acquisition of effective job skills.

#### Furthermore.

The individual background, experience and ability of graduates of the basic training program will have been recognized in the development and acquisition of skills and knowledge during the basic training program.

Upon successful completion, graduates of the basic training program will have satisfied the state training requirements.

#### Values

The expectations of the general public, the Michigan law enforcement community, and the recruit trainees lead to a set of values which provide a philosophical backdrop to the Commission's mission. These values are contained in the following statements/principles:

The law enforcement officer is perceived as a <u>manager</u> of various critical situations who is called upon to gather information and make immediate decisions leading to resolution of conflict or emergency conditions.

It is recognized that the public must be treated fairly, equitably, and in a courteous, impartial manner by a law enforcement officer who demonstrates a professional bearing.

It is important to recognize the dynamic nature of basic training if it is to reflect the changing needs of society as evidenced by emerging research and technology, as well as cultural changes.

It is recognized that a professionally trained law enforcement officer is the cornerstone of the criminal justice system, and is critical to ensuring public trust and providing public safety in a changing contemporary society.

#### Therefore:

The MCOLES has an obligation to ensure that individuals are properly trained and certified to effectively perform the law enforcement officer function; failure to meet this obligation could jeopardize the safe and efficient operation of the state's law enforcement agencies.

The MCOLES must ensure that basic training can be justified relative to actual job functions of the entry level law enforcement officer and the requirements of fair employment dictates.

The MCOLES must ensure that basic training imparts positive attitudes in graduates toward the law enforcement officer job, and that graduates are able to respond to the public in times of need and stress.

#### ROLE OF THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Within the context of these values, the Commission will:

Be responsible for preparing and publishing valid entry-level standards for the law enforcement officer function.

Ensure an adequate level of competence for the entry-level law enforcement officer.

Establish and maintain a regional basic training system to meet state requirements and serve local community needs. The MCOLES will also maintain the pre-service training system that involves several colleges/universities in the state.

Establish and enforce minimum knowledge and skill standards for the valid selection and certification of entry-level law enforcement officers.

Provide for continuing quality training experiences by promulgating instructional standards and providing support services.

Recognize that adequate training is a joint responsibility; local communities must provide on-the-job training to ensure that all the law enforcement officer job responsibilities not addressed in basic training are addressed at the local level.

#### GOALS OF THE BASIC TRAINING PROGRAM

The previously stated expectations, values, and roles provide the basis for the establishment of the basic training program's goals:

Basic training graduates will perform the job tasks in each of the six major job operational areas adequately and consistently to meet professional ethics and legal standards.

The MCOLES will ensure the job-relatedness of basic training in light of the changing needs of society.

The MCOLES will ensure that training content, instructional strategies, and testing procedures are consistent with the performance requirements for the job of entry level law enforcement officer and do not presence artificial barriers to employment.

The MCOLES will ensure that basic training program trainees acquire the knowledge and skills necessary to manage critical and stressful situations.

The MCOLES will provide and maintain for the basic training program trainees a quality training experience which will stimulate interest and motivation for the job.

#### **BASIC TRAINING CONSIDERATIONS**

The basic training goals enumerated above will be achieved through the presentation of relevant training content and the application of modern training strategies. To achieve these goals, the following considerations guide the MCOLES actions.

The training content has been based on the systematic analysis of the entry-level law enforcement officer's job in which six operational areas were identified.

The job responsibilities for each of the six areas have been identified, and a list of requirements recorded.

These responsibilities and requirements make up the basic training program.

These responsibilities influence the training strategies that are employed, in that, they are designed for the practice and acquisition of particular skill areas.

These job responsibilities determine the content of the testing procedures that are needed for valid and reliable certification.

The basic training program is performance-based and the goals and objectives reflect what law enforcement officers routinely do during the first few years on the job.

Trainees must accept the responsibilities of adult learners, and will be held accountable for the arrangement of their own learning, and continuance of their professional growth after certification.

Individuals need varying amounts of practice after initial instruction in order to develop skill levels which are consistent and acceptable.

#### **CONCLUSION**

The MCOLES basic training program seeks to reflect the values and expectations of the public, the Michigan law enforcement community, and the recruit officer trainee. In addition, the technical content of the basic training program has been derived from previous research, a statewide job-task analysis of the law to ensure the job-relatedness of training and to prevent the establishment of artificial barriers to employment.

The MCOLES views its responsibility for training the entry-level (recruit) officer as complimentary to, rather than conflicting with, the efforts of local law enforcement agencies. The MCOLES is responsible for ensuring that trainees are provided with the basic knowledge and skills to perform job tasks in each of the six major operational areas of a law enforcement officer's job. Local law enforcement agencies provide on-the-job training to acquaint new officers with local policies and procedures.

The content of the basic training program embodies several principles that serve to give the curriculum vitality and continuity. One of the curriculum's underlying principles is that the patrol officer is seen as a "manager" of various critical situations who is called upon to gather information and make immediate decisions that are occasionally of a life-death nature. Therefore, the training is designed to impart the appropriate knowledge and skills to allow the trainee to become more than just a pure technician who operates within narrow, static job confines.

Secondly, it is believed that the trainee has certain responsibilities as an adult learner that directly affect his/her success in completing the prescribed course of study. The trainee must support the instructional efforts of the MCOLES basic training program by assuming the role of an adult learner. The trainee must thereby take the initiative to acquire, and demonstrate the enthusiasm to master, the essential job knowledge and skills.

Thirdly, it is recognized that individual difference in trainees results in the need for varying amounts of practice to acquire the necessary job skills. This important consideration has affected the manner in which the training content is presented and reinforced.

Lastly, the training content and instructional and testing strategies used to train and assess basic trainees have been developed within the context of constructing a "valid" training system; that is, a system which has validity in terms of its relationship to the job for which the trainee is being prepared and its congruence with the performance requirements for the law enforcement officer job.

In conclusion, the MCOLES is convinced that its training program accurately reflects the basic training "goals" identified, and that the program will continue to be dynamic in nature, changing with the demands and expectations of the various clientele it serves and with the needs of a changing, contemporary society.

## MC©LES Policy & Procedure

# Chapter II EMPLOYMENT STANDARDS

#### TABLE OF CONTENTS

#### THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

## **Employment Standards Chapter II**

#### <u>Unit</u>

1. Administrative Law

#### **Employment Standards**

#### Chapter II - Unit I

#### Administrative law

(By authority conferred on the COMMISSION ON LAW ENFORCEMENT STANDARDS by section 9 of Act No. 203 of the public Acts of 1965, as amended, being 28.609 and 16.109 of the Michigan Complied Laws)

R 28.4102, R28.4103, and R28.4108 of the Michigan Administrative Code, appearing on page 30 of the 1985 annual supplement to the 1979 Michigan Administrative Code, and pages 32 to 34 of the 1988 Annual supplement to the Code, are amended, and R28.4102a is added, to read as follows:

#### R28.4101 Definitions.

#### Rule 1.

- (1) As used in these rules:
  - (a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being 28.601 et seq., of the Michigan Compiled Laws.
  - (b) "Candidate" means a person seeking employment as a sworn police officer empowered to enforce the general criminal statutes of this state.
  - (c) "Certification examination" means the examination administered by the COMMISSION at the completion of the basic and preservice training programs to determine whether a trainee has attained the minimum competencies required for certification.
  - (d) "Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.

- (e) "Certified as a police officer" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training COMMISSION or pursuant to the act to exercise the authority of a police officer.
- (f) "Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being 24.201 et seq. Of the Michigan Compiled Laws.
- (g) "Employment" means the offering of a service or labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the Fair Labor Standards Act of 1938, as amended; 29 U.S.C. 206.
- (h) "Examination" means a job-related examination developed in conformance with the professional standards of the American psychological association, division of industrial-organizational psychology, and all applicable federal and state laws.
- (i) "Full police power" means an individual has the authority to enforce the general criminal laws of the state.
- (j) "Hearing officer" means a person responsible for conducting hearing on matters within the agency's jurisdiction.
- (k) "Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.
- (l) "Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.
- (m) "Test battery" means the COMMISSION'S job related, pre-employment examination designed to assess reading and writing skills and physical performance skills.
- (2) The terms defined in the act have the same meanings when used in these rules.

#### **R28.4102** Non-medical selection qualifications.

Rule 2. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following requirements:

- (a) Be a citizen of the United States.
- (b) Have attained the minimum age as established by the hiring agency, which shall not be less than 18 years of age or as otherwise provided by law.
- (c) Have obtained a high school diploma or have attained a passing score on the general education development test indicating a high school graduation level.
- (d) Have no prior felony convictions.
- (e) Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration will be given to all law violations, including traffic and conservation law convictions, as indicating a lack of good character.
- (f) Possess a valid Michigan motor vehicle operator or chauffeur's license.
- (g) Read and write at a level necessary to perform the job of a law enforcement officer as determined by passing the COMMISSION'S examination designed to test these skills or by passing an agency certified examination as specified in R28.4108 (d).

The provisions of this subdivision do not apply to any of the following persons:

- (i) Any person certified pursuant to the provisions of the act.
- (ii) Any person qualifying for a waiver of training pursuant to the provisions of the act.
- (iii) Any fire fighter who is employed by a political subdivision of the state and who is required to become a law enforcement officer as a condition of employment resulting from the consolidation of police and fire services.
- (h) Demonstrate physical ability at a level necessary to perform the job of a law enforcement officer as determined by passing the COMMISSION'S examination designed to test physical performance skills or by passing an agency certified examination as specified in R28.4108(d).
- (i) Test negative on a test prescribed by the COMMISSION that is designed to detect the illicit use of controlled substances. A candidate who tests positive or refuses to submit to a test shall not be eligible for training or certification for 2 years after a positive test or the refusal to submit to the test.

- (j) Successfully complete the basic police training curriculum at a COMMISSION approved school.
- (k) Take and attain a passing score on the COMMISSION'S certification examination within 1 year of the completion of training. In the event of failure on the examination, 1 retest will be allowed within the same year period. Failure on the retest will result in the need to repeat successfully the basic training program to again be eligible to take the certification examination.
- (1) The standards of the American Psychological Association that are contained in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures", third edition, 1987, are adopted by reference in these rules. Copies of these standards may be inspected at the offices of the MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS and may be purchased from the American Psychological Association, 1200 17<sup>th</sup> Street N.W., Washington, DC 20036, or from the MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS, State Police Training Academy, 7426 N. Canal Road, Lansing, Michigan 48913, at a cost as of the time of adoption of these rules of \$4.00 each.

#### R28.4102a Medical selection qualifications.

- Rule 2a. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following medical requirements:
  - (a) Possess normal color vision and normal visual functions and acuity in each eye corrected to 20/20. Normal color vision shall be determined by testing the unaided eye and passing any of the following color vision tests:
    - (i) Pseudoisochromatic plates, such as any of the following:
      - (A) Ishihara
      - (B) American Optical Hardy Rand Ritler.
      - (C) Tokyo Medical College
        - (ii) Panel tests, such as the Farnsworth dichotomous D-15 test.
    - (iii) Any test designed and documented to identify extreme anomalous

- (b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of subdivision (c) of this rule. Throughout the testing specified in the provisions of subdivision (c) of this rule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute S3.6-1989. This standard is adopted by reference in these rules and is available for inspection at the offices of the MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS, 7426 North Canal Road, Lansing, Michigan 48913. The testing shall be preformed by either of the following persons:
  - (i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association.
  - (ii) An audiologist who has a certificate of clinical competence. The audiologist shall be licensed, if applicable.
  - (c) Comply with one of the following provisions:
  - (i) Have unaided testing done on each ear that results in pure tone air conduction sensitivity thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 20 decibels at any of the following frequencies: 500, 1,000, 2,000, 3,000, and 4,000 hertz.
  - (ii) Have the following unaided testing performed on each ear.
  - (A) A 4 frequency average pure tone sensitivity threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, 3,000 hertz, of not poorer than a hearing level of 25 decibels with a hearing threshold level at any single frequency of not poorer than 35 decibels. In addition, the sensitivity threshold at 4,000 hertz shall not be greater than 45 decibels.
  - (B) Speech recognition shall be measured under audiometric earphones and the scores shall be 90% or better in each ear at 50 decibels in quiet, using full lists of recorded phonetically balanced words that are age appropriate.

- (C) The speech recognition score for both ears measured at the same time in an audiometric sound field shall be 70% or better at a plus 5 decibel signal-to-noise ratio. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age appropriate.
- (iii) Have all testing that is performed in all of the following subparagraphs done with 1 or both ears aided:
- (A) The average aided hearing levels, as derived from sound field measures for the frequencies 500, 1,000, 2,000, and 3,000 hertz in each ear, shall not be poorer than a hearing level of 25 decibels and any single frequency shall not be poorer that 35 decibels. The aided hearing level for 4,000 hertz shall be not poorer than 45 decibels in either ear. Measurements shall be made monaurally in an audiometric sound field with unaided (nontest) ear plugged or, when necessary, effectively masked. Test signals shall consist of either frequency-specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.
- (B) Aided speech recognition scores shall be 90% or better in each ear. Testing shall be administered at 50 decibels in quiet using full lists of recorded phonetically balanced words that are age appropriate. Measurements shall be made monaurally in an audiometric sound field with the loudspeaker at zero degree azimuth and the unaided (nontest) ear plugged or, when necessary, effectively masked.
- (C) The aided speech recognition score for both ears measured at the same time in the audiometric sound field shall be 70% or better at a plus 5 decibel signal-to-noise ratio. For this measurement, either 1 or both ears shall be fitted with a hearing aid, and, where only 1 ear has been fitted with a hearing aid, the unaided ear shall not be plugged or masked. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age appropriate.

- Testing shall be done not sooner than 30 days after the fitting of a hearing aid or aids.
- (D) Be free from any other impediment of the senses, physically sound, in possession of his or her extremities, and well developed physically with height and weight in relation to each other as indicated by accepted medical standards.
- (E) Be free from any of the following which may tend to impair the efficient performance of a law enforcement officer's duties which might endanger the lives of others or the law enforcement officer.
  - (i) Physical defects
  - (ii) Chronic diseases
  - (iii) Organic diseases
  - (iv) Organic or functional conditions
  - (v) Mental and emotional instabilities

#### **R28.4103** Hiring agency responsibilities.

Rule 3. Before sending a person to a COMMISSION approved school, the hiring agency shall do all of the following:

- (a) Cause the applicant to be examined by a licensed physician to determine that the applicant meets the standards set forth in R28.4102a. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation. A determination of compliance with the provisions of R28.4102a (e) (v) may be made by a licensed psychologist.
- (b) Cause the applicant to be fingerprinted and a search to be made of appropriate state or federal fingerprint files to disclose any criminal record.
- (c) Conduct an oral interview to determine the applicant's acceptability for a police officer position and to assess appearance, background, and ability to communicate.

(d) Certify that the prospective trainee meets the minimum employment standards set forth in R28.4102(a) to (i).

#### **R28.4104 Forms.**

Rule 4. Form TC-01, entitled "Application for Enrollment In A Certified Academy" shall be completed and forwarded to the appropriate school coordinator before a person will be allowed to attend a COMMISSION approved school.

#### **R28.4105** Practice and standards.

Rule 5. Recruitment and employment practices and standards shall comply with the law applicable to police officer employment.

#### **R28.4106** Physical performance examination prerequisite.

Rule 6. Before participation in the COMMISSION'S physical performance test, the candidate shall present a licensed physician's signed statement, to the COMMISSION or its designated representative, indicating that the candidate received a health screening by a physician and that the candidate is physically able to perform the test events without undue risk to the candidate. The candidate's health screening shall be within the 90 day period before the candidate's participation in the physical performance examination.

#### **R28.4107 COMMISSION approved test centers.**

Rule 7. The COMMISSION'S test battery shall be administered at approved regional test centers to which a candidate shall apply. Test centers shall be subject to the supervision and control of the COMMISSION.

#### **R28.4108 COMMISSION test battery results.**

Rule 8. The following provisions apply to the COMMISSION test battery results:

(a) Test results shall be reported by the COMMISSION to each candidate.

- (b) A candidate shall pass the test battery to be eligible for employment as a law enforcement officer. When a candidate passes the test battery, the reading and writing test score shall be valid for 3 years and the physical performance test score shall be valid for 1 year from the date of the examination. If a candidate is placed on a hiring authority's certified employment list or roster for a law enforcement officer position within 1 year from the ate of examination, the physical performance test score shall be valid for 2 years from the date of the examination. The employment list is not transferable to another employing agency.
- (c) If a candidate fails either 1 or both examinations of the COMMISSION'S test battery, the candidate shall be eligible to retake the failed examination or examinations.
- (d) A governmental agency, or its agent, may administer a reading and writing examination or physical performance skills examination if the agency certifies, in writing to the COMMISSION, that the examinations are in compliance with the definition of "examination" set forth in R 28.4101(h). the COMMISSION may request that additional written documentation be submitted by a governmental agency, or its agent, to establish that the examination or examinations are in compliance with the provisions of R 28.4101(h). The results of the examinations shall serve to satisfy the requirements or R 28.4102(g) and (h) and apply only to a candidate who seeks employment with the administering governmental agency. The test results will be valid for the same time periods specified in subdivision (b) of this rule.

#### **R28.4109** Testing program and contested case hearings manual.

Rule 9. The COMMISSION shall prepare and publish a manual, consistent with these rules, which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearing.

#### **R28.4110** Contested cases; compliance conferences and hearings.

- Rule 10. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.
  - (2) The rules of practices applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.

#### **R28.4111** Complaint.

Rule 11. A complaint on a COMMISSION policy or procedure shall be in writing, signed by the person making it, and filed with the COMMISSION.

A complaint is not open to public inspection until its validity is ascertained.

#### **R28.4112** Violations of act; investigations; complaints.

Rule 12. The COMMISSION or the executive director may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.

#### R28.4113 Issuance of ex parte order denying right or privilege.

- Rule 13. (1) After an investigation of a complaint has been conducted, the COMMISSION or executive director may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.
  - (2) The taking of emergency action shall not affect the impartiality of the COMMISSION in its receipt and consideration of the evidence.

#### R28.4114 Contested cases; appointment of hearing officer; chief hearing officer.

- Rule 14. (1) The COMMISSION chairperson shall appoint a person or persons to be a hearing officer.
  - (2) When 2 or more persons are appointed as hearing officers for a contested case, the COMMISSION chairperson shall designate a chief hearing officer.

#### **R28.4115** Contested cases; notice of hearing.

- Rule 15. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method a may be permitted by law.
  - (2) Notice of a hearing shall be served not less than 20 days before the hearing.

#### R28.4116 Contested cases; answers and amendments.

Rule 16. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the COMMISSION or executive director for good cause.

(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.

#### R28.4117 Contested cases; appearance at hearings.

- Rule 17. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.
  - (2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the COMMISSION may proceed with the hearing on the evidence presented and make a decision.

#### **R28.4118** Contested cases; adjournment or continuance of hearing.

Rule 18. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the COMMISSION not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5 day limit. Notice of action on the request for adjournment shall be given to the parties.

#### R28.4119 Contested cases; stipulations.

Rule 19. The parties to any contested case hearing before the COMMISSION may, by stipulation in writing filed with the COMMISSION, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. Parties are requested to agree upon the facts when practicable.

#### R28.4120 Contested cases; depositions.

Rule 20. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being Rule 2.304 et seq., and all parties shall be given an opportunity to cross examine the deponent under oath.

#### R28.4121 Contested cases; decision.

Rule 21. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.

## MC©LES Policy & Procedure

### **Chapter III**

## LOCAL and REGIONAL BASIC POLICE TRAINING SCHOOLS

#### **TABLE OF CONTENTS**

## **Local and Regional Basic Training Schools Chapter III**

- 1. Administrative Law
- 2. Establishing a Basic Police Training School
- 3. Responsibilities and Duties of the Program Administrator, Training Director, and the Training and Education Advisory Committee.
- 4. Continuation or Revocation of Approved Basic Police Training Schools and Program
- 5. Enrollment in an Approved Training Session
- 6. Basic Police Training Requirements
- 7. Dismissal of Recruits for Failure to Meet Training Requirements
- 8. Recognition of Successful Completion of the Basic Police Training Program
- 9. Rules of Conduct while in Attendance at a Commission Approved Basic Police Training School
- 10. Facilities and Equipment
- 11. Instructor Qualifications
- 12. The Michigan Commission on Law Enforcement Standards Program Monitoring
- 13. Forms and Procedures
- 14. Recognition of Basic Training Program Graduates
- 15. Repeat Trainees
- 16. Funding/Reimbursement
- 17. Accommodation Policy for Training and Testing
- 18. Training Vehicle Use Policy

## Local and Regional Basic Police Training Schools Chapter III – Unit 1

#### Administrative Law

These rules were filed with the Secretary of State on June 29, 1995, and took effect on July 14, 1995. (By authority conferred on the Commission on Law Enforcement Standards by Sections 9, 10, and 11 of Act No. 203 of the Public Acts of 1965, as amended, being §28.609, 28.611, and 16.109 of the Michigan Compiled Laws.)

#### R 28.4351 Definitions.

#### Rule 1. As used in these rules:

- (a) "Basic police training program" means the entire Commission approved training curriculum offered by a basic police training school that allows a qualified graduate to be certified as a law enforcement officer upon employment.
- (b) "Basic police training school" means an agency or institution that is approved by the Commission to offer the basic police training program.
- (c) "Basic police training school graduate" means a person who has completed the training and educational requirements of a Commission approved basic police training program.
- (d) "Class" means students or trainees who are administratively grouped to begin a basic police training program.
- (e) "Course objective" means a behavioral statement that describes a knowledge, skill, or ability to be acquired during the basic police training program.
- (f) "Course of study" means the organized course objectives which are approved by the Commission and which a recruit is required to complete before being certified as a law enforcement officer.

- (g) "Curriculum" means the overall plan of the content and specific materials of instruction that a police training school is required to offer a recruit before qualifying the recruit for certification.
- (h) "Employed recruit" means a police officer candidate hired by a law enforcement agency and who is enrolled in an approved basic police training school.
- (i) "Local basic police training school" means a local law enforcement agency that is approved by the Commission to provide a basic police training program for qualified employed recruits employed only within that local law enforcement agency.
- (j) "Preservice recruit" means an individual who meets the entrance requirements and enrolls at his or her own expense in an approved regional basic police training school and who is not employed by a law enforcement agency.
- (k) "Recruit" means a student or trainee who is enrolled in a basic police training program.
- (l) "Regional basic police training school" means an agency or institution that is approved by the Commission to offer basic police training program to preservice and law enforcement personnel who are employed by any law enforcement agency. A regional basic police training school is synonymous with regional training academy (RTA).
- (m) "Regional training academy" (RTA) is a synonymous term for "regional basic police training school."
- (n) "Repeat trainee" means a department's recruit who has been dismissed for any reason specified in R28.4365 and who is re-enrolled by any agency within 1 year of the date of dismissal.
- (o) "Training and education advisory committee" means law enforcement officials participating in the guidance and evaluation of a Commission-approved basic police training school.
- (p) "Training school" means an institution that is approved by the Commission to offer basic law enforcement training.
- (q) "Training session" means a block of training on a specific topic which is offered by a school within a given period of time and for which credit toward certification is given.

### R28.4352 Establishment of local or regional basic police training school; Commission approval required.

Rule 2. Commission approval shall be obtained by a city, county, township, village, community college, university, or state agency before establishing a local or regional basic police training program.

#### R 28.4353 Application for approval.

- Rule 3. (1) A city, county, township, village, community college, university, or state agency shall submit a written request to establish a basic police training school.
  - (2) The application shall contain, at a minimum, all of the following:
    - (a) A statement that required facilities and equipment are available for recruits and instructors.
    - (b) A description of the duties, responsibilities, and membership of the training and education advisory committee.
    - (c) The name, address, and position of the person who is responsible for establishing the basic police training school.
    - (d) The name and title of the person who will be responsible as the training director.
    - (e) A description of the applicant's goals and objectives for the basic police training program.
    - (f) A description of the nature and scope of the applicant's financial and philosophical commitment to the basic police training program.
    - (g) A list of the rules governing recruit conduct beyond those established by the Commission.

- (h) Identification of the requirements that an enrolled recruit shall meet, in addition to the requirements established in R 28.4363, to successfully complete the prescribed course of study established by the applicant.
- (i) Identification of curriculum, course of study, and training objectives that will be utilized by the applicant during mandated basic police training programs.
- (j) Authorization for the Commission to inspect all aspects of the basic police training program approved by the Commission.
- (k) A description of affiliation with other agencies, colleges, and universities that will be a part of the basic police training program.
- (l) An estimate of the number of basic police training programs that will be offered on a yearly basis.
- (m) The projected starting and graduation dates of the first basic police training program class.
- (n) Definition of the geographical area that the proposed basic police training school will serve.
- (o) A projection of how many recruits will be enrolled in the program on a yearly basis.
- (p) Verification that acceptable live-in facilities are available in the vicinity of the basic police training school.
- (3) When the Commission determines an application is incomplete, an amended application shall be filed within 30 days after the date of a request for amplification or clarification.
- (4) Failure to comply with the provisions of sub-rule (3) of this rule is grounds for denial of the application.

#### R 28.4354 School requirements after approval.

- Rule 4. A city, county, township, village, community college, university, or state agency approved by the Commission to establish a basic police training school shall do all of the following:
  - (a) Comply with the approved proposal.
  - (b) Utilize fully qualified and competent instructors.
  - (c) Comply with procedures established pursuant to R28.4359.

### R 28.4355 Notice of change in structure or content of program; Commission approval required.

- Rule 5. (2) The training director of an approved basic police training school shall notify the Commission, not less than 10 days before the start of a new class, of any change in the structure or content of the Commission-approved program which would affect the information required in R 28.4353(2).
  - (1) Written Commission approval shall be obtained before implementing the change.

## R 28.4356 Commission approval of individual basic police training program required.

Rule 6. A city, county, township, village, community college, university, or state agency approved by the Commission as a basic police training school shall have written Commission approval before initiating an individual basic police training program.

#### **R 28.4357** Revocation of Commission approval; probation.

Rule 7. (1) A violation of the rules or deviation from the approved program by an approved basic police training school that is documented by the Commission constitutes cause to revoke approval as a basic police training school before, during, or after any class.

(2) The Commission may place an approved school on probation for a specific time frame instead of revoking approval.

### R 28.4358 Approved basic police training schools; right to appeal denials, revocations, and probations.

- Rule 8. (1) Approved basic police training schools shall have standing to appeal denials, revocations, and probations to the Commission within 3 days of the original notice.
  - (2) Commission decisions on appeal are binding.

#### R 28.4359 Publication and revision of policies and procedures manual required.

- Rule 9. (1) The Commission shall prepare and publish a basic police training program policies and procedures manual which is consistent with these rules and which shall govern the implementation, administration, and evaluation of recruit training at approved basic police training schools.
  - (2) The policies and procedures manual shall describe or state all of the following:
    - (a) Minimum basic police training requirements.
    - (b) Curriculum.
    - (c) Courses of study.
    - (d) Training course.
    - (e) Instructor qualifications promulgated by the Commission.
  - (3) The Commission shall periodically review the items specified in subrule (2) of this rule to ensure that they are in compliance with existing legislation or current knowledge and technology.

(4) The course of study shall be revised by the Commission when it determines a need to modify, update, increase, or delete any part of the curriculum, course of study, course objectives, or instructor qualifications.

#### R 28.4360 Minimum basic police training curriculum.

Rule 10. Approved basic police training schools shall teach the minimum course for study promulgated by the Commission.

### R 28.4361 Utilization and publication of basic law enforcement training objectives required.

- Rule 11. (1) Approved basic police training schools shall teach to the course objectives established by the Commission.
  - (2) The course of study shall be published by the Commission.

## R 28.4362 Utilization and publication of law enforcement firearms assessment criteria required.

- Rule 12. (1) Approved basic police training schools shall utilize the law enforcement firearms assessment criteria established by the Commission.
  - (2) The law enforcement firearms assessment criteria shall be published by the Commission.

## R 28.4363 Requirements for successful completion of the course of study; effective date of sub-rule (2)(c).

- Rule 13. (1) To successfully complete the prescribed course of study, a recruit shall do all of the following:
  - (a) Attend and participate in 90% of the approved course of study, unless otherwise stated in this rule.

- (b) Attend and participate in 100% of the classroom portion of the Commission approved firearms, defensive tactics, emergency vehicle operations, and first aid training.
- (c) Attend and participate in 90% of the range/practical application portions of the Commission approved firearms, defensive tactics, emergency vehicle operations, and first aid training.
- (d) Attain a passing score on the practical skill assessment examinations covering firearms, defensive tactics, emergency vehicle operations, and first aid training.
- (e) Attain a passing score of not less than 70% on a written examination addressing the cognitive objectives established by the Commission in firearms, defensive tactics, emergency vehicle operations, and first aid training.
- (f) Possess an American Red Cross first aid card.
- (g) Attain a passing score of not less than 70% on an examination covering the criminal law and procedures objectives and attain a passing score of an average of not less than 70% on all, but not less than 5, examinations addressing course objectives, excluding firearms, first aid, defensive tactics, and emergency vehicle operations.
- (h) Meet the minimum requirements established by an approved basic police training school for optional and additional courses that are a part of the prescribed course of study approved by the Commission.
- (2) In addition to the requirements of sub rule (1) of this rule, a preservice recruit shall do all of the following:
  - (a) Be fingerprinted on a Michigan State Police applicant card (RI-8). The fingerprint card is to be submitted to the Commission for a state and national criminal record search.

- (b) Possess an associate or baccalaureate degree from an accredited college or university at the time of completion of the basic police training program. This requirement shall take effect September 1, 1995.
- (c) Authorize the community college or university to release to the Commission the preservice recruit's records pertaining to the enrollment application and academic transcripts.
- (d) Meet all current selection and employment standards in R28.4102 at the time of employment as a law enforcement officer.
- (e) Be employed as a law enforcement officer within two years of completing the basic police training program. A basic police training school graduate who is not employed within 1 year of completing the basic police training program shall, before employment, attain a passing score on examinations assessing the candidate's competence in courses established by the Commission.

#### R 28.4364 Certificates; issuance.

- Rule 14. (1) The Commission shall issue a basic law enforcement certificate to an employed recruit, if the recruit was properly enrolled in an approved class and the recruit successfully completed the prescribed course of study.
  - (2) Approved basic police training schools shall not issue basic law enforcement training certificates.

#### R 28.4365 Recruit dismissals; appeal.

Rule 15. (1) Enrolled recruits may be dismissed from a training program by the training director.

- (2) The failure to do either of the following is cause for dismissal:
  - (a) Successfully complete the prescribed course of study established in R 28.4363 or R 28.4309 as applicable.
  - (b) Comply with Commission and school rules and regulations.
- (3) The failure by an employed recruit to do any of the following is cause for dismissal:
  - (a) Maintain employment with a law enforcement agency during the basic police training program.
  - (b) Maintain minimum employment standards established in R 28.4102 during the basic police training program.
- (4) Employers may appeal dismissals to the school and the Commission.
- (5) Students shall have standing to appeal dismissals to the school and the employer and to appeal to the Commission on matters relating to violations of Commission rules.
- (6) Commission decisions on appeal are binding.

#### R 28.4366 Minimum classroom requirements.

- Rule 16. (1) Classrooms that are used by a basic police training school for training recruits shall provide all of the following:
  - (a) Sufficient seats or learning area to accommodate every student.
  - (b) Noise barriers.
  - (c) Climate controls.

## Local and Regional Basic Police Training Schools Chapter III – Unit 2

#### Establishing a Basic Police Training School

#### **POLICY**

A local police training school and a regional training school may be administered by the state, political subdivision of the state, corporation, college, or university which qualifies under the rules of the Commission and for which approval is granted by the Commission.

#### **PURPOSE**

The MCOLES is responsible for establishing police training schools and regional training centers in strategic geographic locations in order to serve the greatest number of police agencies under the authority of MCL § 28.611, Section 11(b) through (h), PA 203 of 1965, as amended.

#### **PROCEDURE**

#### 2.01 Establishment of a local or regional basic police training school.

A city, county, township, village, college, university, or state agency interested in establishing a police training school shall:

- 1. Identify the Program Administrator by name, position and address as the individual responsible for establishing the basic police training school.
- 2. Form a Training and Education Advisory Committee.
- 3. Submit a written request for approval to establish a basic police training school to the Executive Director of the MCOLES 120 days prior to the proposed date of the initial class. The written request shall:
  - a. Identify the duties, responsibilities, and membership of the Training and Education Advisory Committee.

- b. Identify the Training Director. <u>Note:</u> The Training Director is defined as the full time person responsible for the day-to-day operation of the training program.
- c. Identify additional curriculum over and above the mandated Commission basic police training curriculum that the petitioner would like approved by the Commission.
- d. Describe the facilities and equipment to be utilized during the training program, i.e., Driving Track; Firing Range.
- e. Identify qualified and competent instructors to be utilized during the training program.
- f. Include rules that are promulgated in addition to those established by the Commission.
- g. Provide a statement acknowledging that all current requirements and future amendments will be complied with.
- h. Indicate proposed class size with any justification (facilities and instructor ratio, etc.) for exceeding the maximum of 45 recruits per class.
- i. Indicate the starting date and proposed graduation date of the first class.
- j. Indicate the number of training classes which will be offered during the coming calendar year.
- k. Indicate the anticipated number of enrollments per year.
- 1. Identify any requirements, in addition to the requirements established in R 28.4363, which an enrolled recruit shall meet to successfully complete the prescribed course of study.
- m. Describe the nature of any affiliation with other agencies or colleges that will be a part of the training program.
- n. Verify that acceptable live-in facilities are available.
- o. Describe the geographic area that the proposed basic police training school will serve.

- p. Describe the evaluation criteria with which mandated and additional courses will be judged.
- q. Acknowledge that employed law enforcement agency candidates have preference in enrollment over other candidates.
- r. Authorize the MCOLES to inspect all aspects of the training delivery system and copy any documents.
- s. Provide a copy of any certificate to be issued to graduating students.
- 4. An incomplete application as determined by the Commission, shall be refiled within 30 days after the date of a request for amplification or clarification. Failure to comply is grounds for denial of the application as outlined in R 28.4353(3) & (4).
- 5. Have Commission approval, in writing and in advance, to implement the basic police training program.

### 2.02 Commission Denial of Request to Establish a Local or Regional Basic Police Training School.

Commission denial of original requests to establish a local or regional basic police training school will be based on documented evidence that the applicant cannot adequately fulfill the requirements stated in Unit 2 (establish a basic police training school).

#### 2.03 School requirements after approval. R 28.4354

An approved basic police training school shall do all of the following:

- 1. Comply with the approved proposal.
- 2. Utilize fully qualified and competent instructors in all aspects of training.
- 3. Comply with procedures established pursuant to the Commission's current published policy and procedure manual.

## 2.04 Notice of change in structure or content of programs; the MCOLES approval required. R 28.4355

- 1. An approved basic police training school shall notify the MCOLES not less than 10 days before the start of a new class of any change in the structure or content of the Commission-approved program which would affect the factors included in R 28.4353(2).
- 2. Written MCOLES approval shall be obtained before implementing the change. R 28.4355(2) (should include inspection prior to approval when applicable, i.e., new facilities).

## Local and Regional Basic Police Training Schools Chapter III – Unit 3

## Responsibilities and Duties of the Program Administrator, the Training Director, and the Training and Education Advisory Committee

#### **POLICY**

It shall be the responsibility of the Program Administrator, the Training Director, and the Training and Education Advisory Committee members to perform specific duties at an approved basic police training school.

#### **PURPOSE**

This policy establishes a basic police training school program organizational structure that allows input from the Michigan law enforcement community and assigns responsibility for ensuring acceptable program performance.

#### **PROCEDURE**

#### 3.01 Responsibilities and Duties of the Program Administrator.

The Program Administrator is responsible for providing administration and financial stability to the approved basic police training program. The Program Administrator shall:

- 1. Employ a Training Director for the duration of each training session, which includes preparation time and post-school time.
- 2. Provide proper facilities and equipment, as specified in Unit 10 of Chapter III, to meet the required objectives for the program.
- 3. Assign or release the Training Director a designated representative to attend the MCOLES conferences.
- 4. Ensure that all applicants are screened by the institution to verify they meet all of the MCOLES enrollment requirements.

- 5. Allow the MCOLES to inspect all aspects of an approved basic police training school.
- 6. Comply with the published MCOLES approved Policies and Procedures Manual.
- 7. The basic police training school shall not issue basic law enforcement training certificates. It may issue a diploma or other suitable document recognizing individual participation, provided no reference is made to certification, P.A. 203, or the Commission. (R 28.4364)

### 3.02 The Training Director is responsible for the daily operation of the Training Program.

The Training Director is responsible for implementing and administering the approved program in compliance with the requirements of the Commission. The Training Director shall:

- 1. Secure approval from the MCOLES prior to conducting each basic police training session.
- 2. Inform the preservice applicant of the enrollment and training requirements.
- 3. Sequence the course of study which shall incorporate the minimum basic police training curriculum. Submit a tentative schedule prior to the start of the session. Submit a final schedule after the session ends.
- 4. Enforce and comply with the rules promulgated by the Commission.
- 5. Ensure that required applicant documentation is complete and available on the first day of training.
- 6. Ensure the availability of required facilities and equipment, as specified in Unit 10 of Chapter III.
- 7. Utilize fully qualified and competent instructors in all aspects of training.

- 8. Orient Instructors as to:
  - a. Rules.
  - b. Reporting of recruit conduct.
  - c. Interfacing with other subjects.
  - d. The course objectives and relevant instructor guidelines.
  - e. Available resources.
  - f. Information on related subjects in the Basic Police Training Program.
- 9. Maintain course lesson plans, instructor outlines, and all handouts for each subject area.
- 10. Provide for supervision/administration of the program at all times, ensuring the safe and proper delivery of the training.
- 11. Develop test banks and maintain security, integrity, and direct control over all basic police training school test banks.
- 12. Establish rules regarding the use and care of firearms utilized by recruits during the approved session.
- 13. Ensure that firearms are inspected for safety by a certified armorer in accordance with manufacturer's recommendations or when excessive use warrants more frequent inspection.
- 14. Notify the MCOLES immediately, by phone and in writing, when a recruit may not meet the minimum employment standards or training standards established by the Commission.
- 15. Forward all required documentation to the MCOLES within the time frames established in this manual.
- 16. Attend or be represented at all MCOLES conferences and required meetings and serve as liaison to the MCOLES.
- 17. Ensure that additional courses (800 LEVEL) are properly designed, developed, and approved by the MCOLES, prior to their inclusion in the basic curriculum (this includes objectives and evaluation criteria).

- 18. Notify employers regarding the status of their recruits at the end of the 4th and 8th week of training or more frequently when the pattern of conduct or achievement indicates the possibility of failure or undesirable traits.
- 19. Administer an examination covering the criminal law and procedures objectives and administer not less than five (5) examinations addressing Commission-approved training objectives, excluding firearms, first aid, subject control, and emergency vehicle operation.
- 20. Administer First Aid written and performance examinations.
- 21. Administer a MCOLES approved written and performance examination for firearms, subject control, and emergency vehicle operation.
- 22. Immediately report any injury resulting from the training or any training incident that results in property damage.
- 23. Immediately notify the MCOLES in writing, when a recruit is involuntarily or voluntarily removed from the training program.

#### 3.03 Duties of the Training and Education Advisory Committee.

The Training and Education Advisory Committee is an integral part of the basic police training program. The committee shall consist of no less than five members, all active in the law enforcement community. This Committee shall:

- 1. Meet at least twice a year to review the status of the approved program and make recommendations for program improvement.
- 2. Notify the Commission, in writing, at least three weeks prior to the meeting date, of the date, time, and location of all Training and Education Advisory Committee meetings.
- 3. Record minutes for each meeting. Copies of meeting minutes shall be made available to the Commission upon request.
- 4. Participate in the formulation of the basic police training proposal.
- 5. Participate in the selection of the Training Director responsible for the daily operation of the training program.

- 6. Make recommendations to the basic police training institution regarding the screening process, student evaluation, and school policy as it relates to the basic police training program.
- 7. Review, evaluate, and make recommendations on all proposed enhanced curriculum.
- 8. Establish and approve student rules of conduct beyond those established by the Commission.

## Local and Regional Basic Police Training Schools Chapter III – Unit 4

## Continuation or Revocation of Approved Basic Police Training Schools and Program

#### **POLICY**

Basic police training schools shall have written Commission approval before initiating an individual basic police training session. The MCOLES may revoke approval or place a training school on probation for cause.

#### **PURPOSE**

This policy allows an assessment as to whether the approved school has operated in compliance with the MCOLES policies and procedures.

#### **PROCEDURE**

#### 4.01 Continuation of Approved Training Schools.

- 1. The written request for approval to continue offering basic police training shall be submitted by August 1 of each year to the MCOLES and shall contain:
  - a. The number and dates of anticipated sessions for the upcoming calendar year (Jan 1 Dec 31) for planning purposes only.
  - b. The Basic Training School's Current Operating Proposal as provided for in Unit 2 of Chapter III.
  - c. A statement committing the approved school to abide by the Commission's policies and procedures.

# 4.02 Revocation of Commission approval; Probation. R 28.4357

- 1. A violation of the rules or deviation from the approved program by an approved basic police training school which is documented by the MCOLES constitutes cause to revoke approval as a basic police training school before, during or after any training session.
- 2. The Commission may place an approved school on probation for a specific time frame instead of revoking approval.

# 4.03 Approved Schools; Right to Appeal Denials, Revocations, and Probations. R 28.4358

- 1. Approved basic police training schools shall have standing to appeal denials, revocations, and probations to the Commission within 3 days of the original notice.
- 2. Commission decisions on appeal are binding.

# 4.04 Commission Approval of Each School Session. R 28.4356

Approved schools shall submit a written request to the MCOLES for approval to initiate a basic police training session at least two (2) weeks prior to the proposed starting date. The request shall include:

- 1. A properly completed Curriculum Verification Record (TC-5).
- 2. If applicable, a completed Enhanced Curriculum Verification Record (TC-8).
- 3. A completed Primary Instructor Form (TC-7).
- 4. Anticipated number of recruits:
  - a. Employed recruits.
  - b. Preservice recruits.
- 5. Exact facilities to be utilized.

# Enrollment in an Approved Training Session

# **POLICY**

All enrollment requirements shall be met before a recruit is given MCOLES status in a basic police training program, and shall occur on the day of the MCOLES opening orientation.

# **PURPOSE**

The policy establishes the point in time at which the MCOLES initiates recognition of the recruit's enrollment in a MCOLES approved basic training session.

# **PROCEDURE**

# 5.01 Law Enforcement Agency Eligibility and Requirements

- 1. Prerequisites
  - a. A law enforcement agency may enroll an employed recruit when that individual:
    - (1) Meets all of the Selection and Employment Standards except (j), (k) and (l) in R 28.4102
    - (2) Is employed by that agency for the express purpose of becoming a certified law enforcement officer immediately upon successful completion of the basic training. Any exception to this condition shall be approved in writing by the MCOLES prior to enrollment.
  - b. An employing law enforcement agency is to pay all the training costs associated with the enrollment of their employed recruit.

# 2. Enrollment requirement.

A law enforcement agency shall submit to the Training Director responsible for the daily operation of the training program of the basic police training school, a properly completed Application for Enrollment/Certification (TC-1), plus the required attachments for each employed recruit attending, <u>at least</u> ten (10) days prior to the first day of scheduled training.

# 5.02 Preservice Recruit Eligibility and Requirements.

- 1. Prerequisites R 28.4102:
  - a. An individual may enroll when he/she meets the minimum selection and employment standards, A through H. (R 28.4102 and R 28.4102a) and R. 28.4102a ("A through E").
  - b. Will have completed requirements for a minimum of a 2 year degree upon completion of the Academy session.

# 2. Requirements:

- a. Individuals enrolling in an approved basic police-training program shall:
  - (1) Be provided with a copy of the program requirements entitled Regional Training Academy Screening of an Individual Enrolled for the Basic Police Training Program.
  - (2) Be fingerprinted on a Michigan State Police applicant card (RI-8). The fingerprint card is to be submitted to the basic police training school.
  - (3) Sign a completed Request to Enroll in the Basic Police Training Program (TC-1P) as a preservice recuit.
  - (4) Provide documented evidence of educational achievement.
  - (5) Meet requirements established by the Commission approved basic police training school.
  - (6) Pay all training costs established by the basic police training school.
  - (7) Be enrolled at least one (1) week prior to the start of training.

# 5.03 Preservice Recruit Requirements for Maintaining Compliance with the Selection and Employment Standards.

In order to continue participation in the basic police training program, the preservice recruit shall comply with the following:

- 1. Maintain the current selection and employment standards while enrolled in the basic program, except as specified in R. 28.4102 (i), (j) and (k).
- 2. The student shall have a valid passing score on both tests at the time he/she takes the Commission Certification Exam.

### 5.04 Enrollment Denial

A basic police training school shall deny admittance to any person when the requirements for enrollment under 5.01 and 5.02 have not been met.

# 5.05 Appeal of Denial of Enrollment

Appeal must be made to the MCOLES Executive Director in writing, in order to initiate a review.

- 1. Verbal notice of intent to appeal shall be made on the day of the denial of enrollment in order for the recruit to be eligible for possible participation in the session.
- 2. Within 72 hours of the denial of enrollment, following the verbal notice of intent to appeal, a written report must follow. The written report must be directed to the MCOLES Executive Director, delineating the reason(s) why the enrollment denial should be overturned.

# Basic Police Training Requirements

# **POLICY**

A recruit shall meet all police basic training requirements prior to consideration for certification as a Michigan law enforcement officer.

# **PURPOSE**

Under the authority of Public Act 203, as amended, the MCOLES is responsible for preparing and publishing minimum courses of study for the entry-level law enforcement officer.

# **PROCEDURE**

# 6.01 The Basic Police Training Curriculum.

The minimum basic police training curriculum shall consist of the training objectives, which shall be made available to the students, and hours published in the current "Basic Police Training Curriculum With Basic Training Objectives" Manual.

# 6.02 Expanded Course of Study.

An approved training school may:

- 1. Increase the training hours in any Commission mandated course provided no changes are made in course objectives.
- 2. Add courses as long as an Enhanced Curriculum Verification Record (TC-8) is filed with the Basic Curriculum Verification Record (TC-5) for each training class.

## 6.03 Successful Completion of the Course of Study R 28.4363.

In order to successfully complete the prescribed course of study, the recruit shall:

- 1. Attend and participate in at least 90% of the prescribed training, unless otherwise stated in this unit.
- 2. Meet the requirements for successful completion of the subject control curriculum as approved by the Commission, which are:
  - a. Achieve 100% attendance in the classroom to develop knowledge.
  - b. Achieve 90% attendance and participation in the application exercises to develop skills.
  - c. Attain a passing score on all written and performance tests. In the event of failure on the examinations, one retest will be allowed during the basic training program.
- 3. Meet the requirements for successful completion of firearms training as established by the Commission, which are:
  - a. Achieve 100% attendance in the classroom portion of the Firearms course.
  - b. Achieve 90% attendance and participation during the activities of the on-range portion of the firearms course.
  - c. Qualify on a firearms course approved by the Commission.
  - d. Attain a passing score on a written examination addressing the academic objectives within the firearms course. In the event of failure on the examinations, one retest will be allowed during the basic training program.
- 4. Meet the requirements for successful completion of first aid training as established by the Commission, which are:
  - a. Achieve 90% attendance and participation in the curriculum hours approved by the Commission in the First Aid course.
  - b. Achieve passing scores on all written and performance tests. In the event of failure on the examinations, one retest will be allowed during the basic training program.

- c. Persons who hold a paramedic, Emergency Medical Technician (EMT), or first responder License issued by the Michigan Department of Public Health may be exempt from all or any portion of the First Aid requirements. Persons who hold an "Emergency Response" Certificate from the American Red Cross may also be exempt from all or any portion of the requirements. A copy of the current license or certificate shall be attached to the Student Performance Record (TC-12). (Note: the license or certificate must be current at the completion of the Basic Training Program.)
  - (1) The Training Director responsible for the daily operation of the training program shall determine how the additional curriculum hours will be utilized by the person who is exempt from meeting the Commission's first aid requirements. This time shall be appropriately documented on the TC-12.
- 5. Meet the requirements for successful completion of the emergency vehicle operation course as established by the Commission.
  - a. Achieve 100% attendance in the classroom portion of the emergency vehicle operation course.
  - b. Achieve 90% attendance in the emergency vehicle operation course.
  - c. Achieve passing scores on all written and performance tests. In the event of failure on the examinations, one retest will be allowed during the basic training program.
- 6. Meet the firearms, emergency vehicle operation, subject control, and first aid performance requirements during the training session. Exceptions to this policy may occur when an individual is temporarily incapacitated while participating in school related activities. When this occurs, the Training Director responsible for the daily operation of the training program may, at the request of the employer or a pre-service recruit, allow the recruit to successfully complete the entire performance requirements, provided:
  - a. The MCOLES is notified by the Training Director responsible for the daily operation in writing, regarding the necessity for invoking the exception, and when each additional testing/assessment will occur.

- b. The individual's department notifies the Commission, in writing, that it recognizes the fact that said person does not currently meet the minimum employment standards and is not a police officer.
- c. The requirement(s) is/are fulfilled within one year after the person's original school session graduation.
- d. Successful completion of the training is held in abeyance until required skill proficiency is demonstrated to and verified by a Commission staff member.
- 7. Meet the requirements for successful completion of the academic courses as established by the Commission, which are:
  - a. Attain a passing score of not less than 70% on an examination covering the criminal law and procedures objectives. One re-test shall be allowed on the criminal law and procedures examination. Failure on the retest will result in the need to successfully repeat the basic training program.
  - b. Attain a passing average score of not less than 70% on all, but not less than five (5) examinations addressing Commission-approved training objectives, excluding firearms, first aid, defensive tactics, precision driving and criminal law and procedures.
- 8. Meet the academic requirements as established by a regional or local basic police training school as outlined in the approved operational proposal.
- 9. Pass the MCOLES Certification Examination within one year of the completion of the training class. One retest is allowed within one year.

# Disciplinary Action for Rule and Academic Violations

## **POLICY**

A recruit who does not meet all of the mandatory basic training requirements specified in Unit Six (6) of this Chapter shall be removed from the program. In addition, a recruit shall meet all established Commission minimum Standards of Conduct (Rules) to remain in a training school.

# **PURPOSE**

Public Act 203 of 1965, as amended, Section 9 (2) stipulates that a person shall not be empowered to exercise the authority of a peace officer in Michigan unless the person has complied with the minimum employment standards published by the Commission. Therefore, a person who does not meet the basic police training requirements shall be dismissed from the training program. Furthermore, the Commission Rules of Conduct are intended to establish uniformity among the various basic police training schools. The rules represent minimum standards of conduct and may be expanded upon by the approved institution if consent is given by the Training and Education Advisory Committee.

### **PROCEDURE**

# 7.01 Academic Dismissals and Extension Requirements:

All dismissals shall be well founded and documented.

- 1. The failure by any recruit to do any of the following is cause for dismissal:
  - a. Successfully complete the prescribed course of study established in R 28.4363 (6.03).
  - b. Meet the firearms, emergency vehicle operation, subject control, and first aid performance requirements during the training session. For exceptions when applicable, see Chapter III, Unit 6, Section 6.03.
  - c. Maintain employment with the originating law enforcement agency (i.e., agency of enrollment) during the training class.

- d. Maintain selection and employment standards as established in R 28.4102 and R 28.4102a during the training class (law enforcement agency employees).
- e. Comply with Commission and School Rules and Regulations.

# 7.02 Any of the following conduct is cause for disciplinary action up to and including dismissal:

- 1. Consuming or possessing alcoholic beverages during training hours, including lunch and break times, unless authorized in a training situation; or reporting to any course and showing signs of use of alcoholic beverages "Zero Tolerance."
- 2. Possessing or using a controlled substance except pursuant to a valid prescription as declared on an accommodation form to the Training Director. (Note: An approved program is required to have a policy that enables the institution to test a recruit if there is reasonable suspicion that the individual is engaging in illicit use of a controlled substance. The policy shall stipulate that a recruit tested "for cause" will be dismissed from the basic police training program if the student: (1) tests positive, (2) fails to report to provide a specimen, or (3) otherwise refuses to give a urine specimen.)
- 3. Dishonesty in any form, and particularly in relation to any testing process.
- 4. Engaging in behavior that is a violation of the law. This includes violations of local ordinances or any court ordered injunction.
- 5. Engaging in conduct which violates School or Academy Rules of Conduct.
- 6. Failure to wear/use the mandatory accommodation(s) required to meet the Commission's minimum selection standards as specified in R 28.4102A, unless otherwise directed by the Training Director of the Academy.
- 7. Engaging in conduct which compromises the recruit's ability to perform as a law enforcement officer, which includes any violation of the provisions of the Law Enforcement Code of Ethics, as adopted by the Commission.

# 7.03 If a Recruit is Enjoined by a Personal Protection Order (PPO):

- 1. The recruit shall immediately notify the Training Director of the Academy of the existence of said order. Failure to do so shall be considered failure to disclose and shall be cause for discipline up to and including discharge from the Academy.
  - 2. The recruit shall provide a copy of the order to the Training Director of the Academy and shall also immediately file for a hearing before the Circuit Court requesting that said hearing be held as expeditiously as possible for the purposes of adjudication.
  - 3. The Training Director of the Academy shall then immediately advise MCOLES in writing.
  - 4. If the order contains an element of violence or stalking behavior, or the firearms prohibition section is checked, the recruit shall not participate in training until the order is adjudicated. If these elements do not apply, a decision shall be made by the Training Director of the Academy on a case by case basis as to whether to allow the recruit to continue participating in training until the status of the order is adjudicated.
  - 5. The Training Director of the Academy shall conduct an investigation into the incident as it would any other Rules violation. The person conducting the investigation shall keep MCOLES appraised of the status and may consult with MCOLES at any time. Upon completion of the investigation, copies of all reports and related materials shall be forwarded to MCOLES. Said reports shall be included in the recruit's training record.
  - 6. After the Circuit Court hearing, if the order is dismissed the recruit shall be returned to training. If the order is continued and contains an element of violence, stalking or firearms prohibition, the recruit shall continue to not participate in training. If these elements do not apply, a decision shall be made by the Training Director of the Academy on a case by case basis as to whether the recruit shall continue to participate in training, or be returned to training.
  - 7. If a recruit's absence violates the attendance policy (Chapter III, Unit 6, 6.03), the Training Director should follow the dismissal policy in Chapter III, Unit 8.

# 7.04 If a Recruit is Charged with a Violation of Michigan Law, Local Ordinance or the Laws of any Other State, with the exception of Civil Infractions:

- 1. The recruit shall immediately notify the Training Director of the Academy of the charges and the facts surrounding it.
- 2. The Training Director shall immediately notify MCOLES of the violation and initiate an investigation into the incident as he/she would any other Rules violation. Copies of all reports pertaining to the investigation shall be forwarded to MCOLES and shall remain a part of the recruit's training record.
- 3. The recruit shall immediately be removed from training until the matter is completely adjudicated.
- 4. Depending on the results of the adjudication, a decision shall be made by the Training Director of the Academy as to whether the recruit is still compliant with minimum selection and employment standards. The Training Director of the Academy shall then make a determination whether to return the recruit to training or dismiss the recruit from the current Academy
- 5. If a recruit's absence violates the attendance policy (Chapter III, Unit 6, 6.03), the Training Director should follow the dismissal policy in Chapter III, Unit 8.

# RECRUIT DISMISSAL AND APPEAL PROCEDURES

## **POLICY**

Basic police training schools shall follow the prescribed procedures for the dismissal of a recruit from an approved training session. A copy of the appeal procedure shall be provided to all dismissed recruits and their employing law enforcement agency.

# **PURPOSE**

The policy established a structured procedure to be following in all dismissals. It provides for proper record keeping, documentation, notification, and due process regarding a recruit's appeal.

### **PROCEDURE**

- 8.01 The following are the procedures for the recruit dismissal process and appeals. R 28.4365
  - 1. The procedure to dismiss a recruit is as follows:
    - a. The Training Director of the academy shall:
      - (1) Notify the MCOLES and the employer before taking action.
      - (2) Notify the recruit, verbally or in writing, that dismissal action is being taken.
      - (3) Advise the recruit regarding appeal.
      - (4) Report to the employer and the MCOLES in writing, within two (2) working days, that dismissal action was taken, delineating the documented reasons for dismissal.

- b. All voluntary or involuntary separations from any training facility shall be reviewed by Commission staff. The review shall ensure that the correct procedures have been followed.
- c. It is left to the discretion of the academy, whether or not the recruit will be allowed re-entry into that Academy in another session.
- 2. The appeal procedure is as follows:
  - a. Any dismissal may be appealed to the school and the MCOLES by the recruit's agency. The appellant must, in writing, advise the MCOLES of the intent to appeal and the rationale as to the objection of the dismissal within five (5) working days.
    - (1) A recruit shall remain in the training session during the appeal process. During this time, the MCOLES and the Training Director of the Academy reserve the right to limit the recruit's participation in the training activities based on the dismissal charges.
  - b. Preservice recruits, on their own behalf, shall have the same rights and conditions to appeal as a law enforcement agency.
  - c. Individual recruits shall have standing to appeal dismissals to the school and the employer and to appeal to the MCOLES on matters relating to infringement of Commission rules. R 28.4365.
  - d. Commission decisions regarding agency and recruit appeals are binding. R 28.4365.

# Chapter III - Unit 9

# Recognition of Successful Completion of the Basic Police Training Program

# **POLICY**

An individual will not be deemed by the Commission to have successfully completed the basic police-training program until all of the required documentation is received and verified by the MCOLES.

### **PURPOSE**

Under the authority of Public Act 203 of 1965, as amended, the Commission is responsible for ensuring that individuals meet the basic police training requirements before being eligible to receive a basic training certificate.

# **PROCEDURE**

# 9.01 Documentation Required for Successful Completion.

Individual recognition of successful completion of the approved program shall occur when:

- 1. The completed Student Performance Record (TC-12) is received by the MCOLES for the recruit.
- 2. Preservice recruits shall provide an official college/university transcript providing that a minimum two (2) year degree has been awarded.
- 3. The recruit has passed the MCOLES Certification Examination. This shall occur within one (1) year of the completion date of training. In the event of a failure, one (1) re-test is allowed within that one year.

# 9.02 Recognition of Successful Completion

- 1. A letter of congratulations and information about employment requirements will be sent to the individual when the requirements of 8.01 are fulfilled.
- 2. Individual recognition of successful completion of the approved course of study will occur as follows:
  - a. Certification may be issued by the Commission to any person who successfully completes the prescribed course of study, passes the Commission Certification Examination, meets all minimum selection and employment standards, and is employed as a fully employed law enforcement officer in Michigan within one (1) year of the training session completion.
  - b. Basic Police Training Schools shall not issue basic law enforcement training certificates. R28.4310 (2).

# Chapter III - Unit 10

# Facilities and Equipment

# **POLICY**

An approved basic police training school's facilities and equipment shall meet all established MCOLES requirements necessary to accommodate the authorized number of students granted in the approved annual proposal.

# **PURPOSE**

Under the authority of PA 203, of 1965, as amended, the Commission is responsible for preparing and publishing minimum standards for training facilities and equipment.

# **PROCEDURE**

# **10.01** Minimum Requirements for Facilities

The facilities shall consist of:

# 1. Classroom and Library

The classroom shall have an environment (climate control, noise barrier, seating, etc.) that is conducive to effective learning.

A library containing books and reference material addressing the law enforcement discipline shall be readily available to the student.

Equipment shall consist of suitable audio/visual equipment; projection screen that meets projection standards for room size; copier equipment; flip chart; chalkboards; bulletin boards; latent fingerprinting; palm-printing equipment; material for student practice; and facsimile machine.

# 2. <u>Firearms Range</u>

The firearms range, whether indoors or outdoors, shall comply with current Commission firearms specifications.

Equipment shall consist of eye and ear protectors for each person on the firearms range (individuals may provide their own). The protectors shall be of suitable quality and be recognized by the Michigan Occupational Safety and Health Act as appropriate safety equipment. Handguns and holsters (type(s) used by the law enforcement agencies served). The equipment combination shall be appropriate (e.g., Holster fits handgun).

# 3. Subject Control

The area established for subject control training shall be large enough to allow the practice of required takedowns, holds, and releases without injury to the participants. The gym mats shall meet or exceed the current standards as established by the National Collegiate Athletic Association (NCAA).

A locker room shall be convenient with a locker for each individual. Separate shower, and toilet facilities shall be available for males and females.

Equipment shall consist of handcuffs and leather goods; police-type shotguns; and riot batons.

# 4. <u>Emergency Vehicle Operation</u>

The area utilized for emergency vehicle operation shall meet or exceed the standards established by the Michigan Driver Training Reference Guide.

Equipment shall consist of manufacturer's designated "police package" vehicles with job related equipment for emergency vehicle operation.

# **10.02** Minimum Requirements for Equipment

The approved basic police training school, or recruit where appropriate, shall have modern training techniques and equipment.

# Chapter III – Unit 11

# Instructor Qualifications

# **POLICY**

Instructors in the basic police training program shall meet acceptable standards of competence and behavior.

# **PURPOSE**

Instructors shall possess the necessary experience, knowledge and skills to effectively instruct in their assigned areas of the basic police training program, and be knowledgeable of the Commission's philosophical statement for basic training programs as described in Chapter I, Section 3.

# **PROCEDURE**

# 11.01 Instructor Requirements in Content Area(s)

1. Minimum Instructor Requirements:

An instructor shall have a minimum of one (1) year job experience or have the professional training, demonstrable skills, and experience that relates to the subject area(s) to which the instructor is assigned. The instructor shall be recommended by the Training Director to receive MCOLES approval.

2. Legal Instruction:

All legal subjects shall be taught by an attorney admitted to the Michigan Bar.

3. Standard First Aid, Child Birth, and Vehicle Extrication:

An instructor in standard first aid and personal safety, childbirth, and vehicle extrication shall first be approved by the American Red Cross to instruct in each of these subjects.

# 4. Cardio-Pulmonary Resuscitation (CPR):

An instructor of cardio-pulmonary resuscitation (CPR) shall first be approved by the American Red Cross or Michigan Heart Association to instruct this subject.

# 5. Subject Control:

A subject control instructor shall first successfully complete a recognized subject control instructor training program and serve as an assistance instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by the MCOLES.

# 6. Emergency Vehicle Operation:

An emergency vehicle operation instructor shall first successfully complete a recognized an emergency vehicle operation instructor training program and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be

recommended by the Training Director and Primary Instructor as approved by the MCOLES.

.

# 7. Firearms:

A firearms instructor shall first successfully complete a recognized firearms instructor training program and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by the MCOLES.

.

### 8. Hazardous Materials:

A hazardous materials instructor shall first successfully complete a recognized HazMat instructor course and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by the MCOLES.

.

# 9. Speed Measurement:

A speed measurement instructor shall first successfully complete a MCOLES recognized speed measurement instructor course and be certified by MCOLES to instruct speed measurement.

# 11.02 Classroom Demeanor and Appearance

- 1. An instructor shall reflect high standards of professionalism both in appearance and behavior.
- 2. An instructor shall have the ability to effectively communicate with students as adult learners and to instruct in a manner that motivates students to learn.

# 11.03 Preparation for and Execution of Instructional Responsibilities

- 1. An instructor should complete an instructor-training course that includes the principles of adult learning theory.
- 2. Each instructor shall complete a formal lesson plan using the MCOLES basic training module objectives. The lesson plan(s) should include time allotments, use of training aids, and be maintained on file with the Academy.
- 3. Instructors are responsible for preparing test items to measure student achievement of the MCOLES training objectives.

# 11.04 Primary and Assistant Instructors

- 1. Primary Instructors are individuals qualified to teach a specific <u>skill area</u> and are recognized as such by the MCOLES. Only Primary Instructors are authorized to teach in the skill areas as lead instructors but may be assisted by others (Assistant Instructors).
- 2. Assistant Instructors who seek status as Primary Instructors in the skill areas of subject control, emergency vehicle operation, and firearms shall first teach under the tutelage of a Primary Instructor as prescribed by the MCOLES.
  - Subject Control: The instructor shall function as an assistant instructor under the tutelage of a current Primary Subject Control Instructor for 48 on-site hours.

Emergency Vehicle Operation: The instructor shall function as an assistant instructor under the tutelage of a current Primary Emergency Vehicle Operation Instructor for 24 on-site hours during one Academy session.

Firearms: The instructor shall function as an assistant instructor under the tutelage of a current Primary Firearms Instructor until competency is reached to be approved by a Primary Instructor.

### 11.05 Continuation of Instructor Status

- 1. An instructor shall be formally evaluated by the Training Director of his/her designate at least once every two (2) years. The instructor shall be evaluated to determine whether the instructor:
  - a. Possesses the requisite skills and knowledge in the subject.
  - b. Uses a suitable written lesson outline.
  - c. Effectively delivers training in the classroom.

Failure to perform satisfactorily may result in the revocation of instructor status by the MCOLES.

2. An instructor shall teach in his/her assigned curriculum area at least once every two (2) years in order to maintain their MCOLES approved status. It is the instructor's responsibility to remain current in his/her respective area of instruction.

# Chapter III - Unit 12

# Michigan Commission on Law Enforcement Standards Program Monitoring

# **POLICY**

The MCOLES will conduct periodic inspections of the basic training program at approved locations to ensure recruit and training institution compliance with Commission policies and procedures.

### **PURPOSE**

The purpose of this policy is to fulfill the MCOLES's statutory responsibility for program oversight. On-site monitoring and inspection of approved programs provides an independent verification that the students and the institution are in compliance with all applicable requirements, procedures and laws relative to law enforcement training and certification.

# **PROCEDURE**

# 12.01 COMMISSION PROGRAM MONITORING

- 1. MCOLES Inspectors shall conduct on-site inspections and program audits of approved programs.
- 2. MCOLES staff will contact the Training Director before training staff, instructors, or trainees are contacted.
- 3. MCOLES staff will advise the Training Director of the results of an inspection in writing.

# Chapter III - Unit 13

# Forms and Procedures

# **POLICY**

An approved training school shall complete and submit all required MCOLES forms.

# **PURPOSE**

This policy establishes the procedure for collecting appropriate documentation that will serve as the official State record verifying that the requirements of Public Act 203, of 1965, as amended, have been fulfilled.

# **PROCEDURE**

# **13.01** Application for Enrollment/Certification (TC-1)

An original application for Enrollment/Certification (TC-1B) shall be completed by a law enforcement agency and by preservice applicants (TC-1P) and forwarded to the appropriate Training Director before a recruit will be allowed to attend a Commission approved training session. The TC-1B/P and the required attachments shall be received by the Training Director at least ten (10) working days prior to the first scheduled day of class and be properly filled out and signed. Incomplete or late applications will not be accepted.

This original application shall be completed and presented to the MCOLES at the time of the MCOLES orientation.

# 13.02 Physician's Statement of Candidate's Medical Condition (TC-1A) Employed Recruit and Preservice Candidates.

This form is required and shall be attached to the TC-1B/P. The TC-1A shall be completed in full and signed in the appropriate place by the approved examining licensed physician(s).

# 13.03 Curriculum Verification Record (TC-5).

This document is the official commitment by the school to provide mandatory basic training as required by the Commission. The column indicating Proposed shall be filled in, the dates of the school listed, and the document dated and signed by the Training Director. This document shall be submitted to the MCOLES two weeks prior to the first day of training.

As a final verification of training provided, the TC-5 column indicating actual training provided, shall be filled in at the end of training and submitted to the MCOLES along with other required documentation.

## 13.04 Primary Instructors in the Mandatory Curriculum (TC-7).

All instructors shall be qualified and competent to instruct in the approved training session. Primary Instructors are individuals qualified to teach a specific skill area and have been verified as such by the Training Director. Only Primary Instructors are authorized to teach in the skill areas as lead instructors but may be assisted by others. In the legal subjects, the instructor shall be an Attorney admitted to the Michigan Bar.

The TC-7 must be included in the proposal prior to the first day of the training session.

### 13.05 Enhanced Curriculum Verification Record (TC-8).

This document shall be completed whenever additional subjects are taught as part of the training requirements. Additional subjects shall be reviewed and approved by the Training and Education Advisory Committee prior to inclusion in the training session. Attach copies of course objectives. This document shall be included in the proposal prior to the first day of the training session.

# 13.06 Student Performance Record (TC-12).

This document is the official record of a recruit's performance in the mandatory training session. The Training Director shall prepare this document for each graduating recruit. In cases of skill area extensions, this document will be completed and submitted to the MCOLES after the Training Director has received notification of successful completion.

The original TC-12 shall be submitted to the MCOLES prior to the Commission Certification Examination for each recruit successfully completing all aspects of the approved training session.

# Recognition of Basic Training Program Graduates

# **POLICY**

There shall be an award entitled "The Commission on Law Enforcement Standards" Outstanding Performance Award. The award may be presented to an outstanding recruit in each Commission approved basic police training session. The Commission will be responsible for purchasing and presenting the award.

# **PURPOSE**

The award provides recognition to basic training participants who exhibit high standards of performance measured by their mental, physical and moral fitness while in the training environment.

# **PROCEDURE**

### 14.01 Description of Outstanding Performance Award and Criteria to be Measured

An award may be presented to the recruit who has demonstrated outstanding performance in the basic police training program. Outstanding performance shall be measured by assessing the recruit's level of performance in the categories of knowledge, skill, leadership, interpersonal communication and appearance. Each of these 5 categories is given equal weight. The award will be in the form of a plaque and entitled "Outstanding Performance Award."

# 14.02 Academy Session and Candidate Qualifications

An approved basic police training program may nominate a graduate who has met the criteria for the Commission on Law Enforcement Standards Outstanding Performance Award as follows:

1. A basic police training program having 10 or more graduates may present an Outstanding Performance Award to one of its graduates. Graduating classes of less than 10 graduates may be combined with the next graduating class.

- a. The award should be made at a time when the presentation affords the best opportunity for recruit and public recognition such as a formal graduation ceremony, or an occasion when other awards are presented (i.e. a dinner or banquet).
- b. The Training Director shall first identify recruits who performed in the top 20% of the class in each of the two categories of knowledge and skill. These recruits then will be rated according to 14.03.

# **14.03** Rating the Candidates

Candidates for the award shall be in the top 20% of the class in <u>each</u> category of knowledge, skills, interpersonal communication, leadership, and appearance. The candidates with the highest total number of points will receive the award.

- 1. Knowledge (Rated by the Training Director)
  - a. Points are to be awarded according to their in-house test score average.
  - b. An overall grade percentage of 100% to 90% = 10 points, 89% to 85% = 8 points and 84% to 80% = 6 points.
- 2. Skills (Rated by the Training Director)
  - a. All skills that are taught where the recruit is required to physically perform are to be considered. (At a minimum emergency vehicle operation, firearms, subject control, and first aid.)
  - b. Points are to be awarded according to their in-house test scores: written and performance. Each skill should be rated individually.
  - c. An overall grade percentage of 100% to 90% = 10 points, 89% to 85% = 8 points and 84% to 80% = 6 points. The top 20% will be determined by the total number of points for all skills.

# 3. Interpersonal Communication

- a. Rated by recruits, Training Director, and Assistant Training Director who each have a singular vote.
- b. How the recruit relates to fellow students and instructors. Do they speak in a clear voice, express their views in a clear, concise, and non-offensive manner? Are they a willing listener?
- c. Scoring: 10 points, 8 points, 6 points and 0 points.

# 4. Leadership

- a. Rated by recruits, Training Director, and Assistant Training Director who each have a singular vote.
- b. Willing to follow a person because of the example they provide in courteous, mature, positive attitude towards meeting the school's requirements and the Law Enforcement Code of Ethics (Not acting officiously, talking about fellow students, etc.) Do not consider any factors addressed in other categories (appearance /communications, etc.)
- c. Scoring: 10 points, 8 points, 6 points and 0 points.
- 5. Appearance (Rated by Recruits and Training Director)
  - a. Rated by recruits, Training Director, and Assistant Training Director who each have a singular vote.
  - b. Hair, clothes, bearing, and carriage.
  - c. Scoring: 10 points, 8 points, 6 points and 0 points.

# **Scoring**

Rank scoring is accomplished by establishing the sum total for all categories for each individual. Each individual must achieve a score reflective of at least 80% of the total possible points (class size x 10 points) in each category to continue in the process or otherwise he/she is eliminated. The highest-ranking score will then receive the award.

# **Overall Score Tie Breaking**

If there is a tie score, the tie will be broken by re-scoring the actual academic and skill test score averages and adding them to the existing total score.

# **14.04 Presentation Ceremony**

The master of ceremonies for the graduation exercise shall schedule the MCOLES award to immediately follow the presentation of all other awards. The presenter shall be introduced by name along with the fact that a MCOLES award will be presented.

The presenter of the award will be either a Commission member or a member of the MCOLES staff. The presentation shall be made in a uniform manner throughout the state so a traditional ceremony is established. The audience is to be informed of the name of the award, what is measured, and how the winner was determined.

# Chapter III - Unit 15

# Repeat Trainees

# **POLICY**

Repeat trainees may be enrolled at the exclusive expense of the employing law enforcement agency.

# **PURPOSE**

The MCOLES will reimburse only once for the training cost for recruits of law enforcement agencies.

# **PROCEDURE**

## 15.01 Repeat trainees may be enrolled as follows:

- 1. An agency petitioning an approved school to enroll a repeat trainee shall be responsible for.
  - (a) All training costs
  - (b) All live in costs
- 2. A training school shall not accept a repeat trainee into class unless tuition costs, which shall not be less than those annually established by the MCOLES, are paid to the school by the law enforcement agency when submitting the TC-1.
- 3. The Commission will not assume any financial responsibility for a person identified as a repeat trainee.
- 4. The MCOLES will not include repeat trainees in the financial agreement between the Commission and the training school.

# Chapter III - Unit 16

# Funding/Reimbursement

# **POLICY**

MCOLES shall reimburse training expenses for police recruits employed by local law enforcement agencies from funds appropriated for that purpose.

# **PURPOSE**

Section 14, PA. 203 of 1965, as amended allows state reimbursement of training costs incurred by or for a city, county, township, village, or approved training school.

# **PROCEDURE**

# 16.01 Funding Formula and Reimbursement for Training Costs

The Commission staff shall meet and confer with the Training Director from each basic training academy prior to the start of each fiscal year for the purpose of establishing the statewide basic police training calendar.

The staff shall propose and submit a funding formula and policy for the coming fiscal year to the Commission for its review and approval. The final approved plan shall then be distributed to the qualifying law enforcement agencies.

## **16.02** Authorized Funding Limits

A policy consistent with the procedures in 16.01 may be approved by the Commission to establish enrollment and funding limits.

# Accommodation Policy for Training and Testing

# **POLICY**

It is the policy of the Michigan Commission on Law Enforcement Standards to provide qualified individuals an opportunity to participate in and meet Commission requirements for the mandatory basic training program and/or the MCOLES basic training certification examination. A qualified individual with a disability, as defined by the Americans with Disabilities Act, may request an accommodation. The Commission will determine whether a person is eligible for an accommodation on a case by case basis. Requests for an accommodation in meting basic training and/or testing requirements shall be reviewed by Commission staff and the basic training academy director to determine whether an accommodation will reasonably allow the individual the opportunity to successfully complete the mandated course of study and/or the certification examination process.

# **PURPOSE**

In order to conform with the requirements of the Americans with Disabilities Act and Michigan Handicappers Civil Rights Act, the MCOLES has developed a policy and procedure for reviews and approve requests for accommodation by individuals with disabilities. This policy shall apply to individuals who seek an accommodation in training or testing for MCOLES approved basic training program.

### **PROCEDURE**

# 17.01 Responsibility of Law Enforcement Candidate to Request Accommodation

1. Completion of Commission form TC-3, "Request for Accommodation for Training or Testing."

- a. Individuals with a disability who wish to request an accommodation for the basic training program and /or certification examination must complete the MCOLES form titled "Request for Accommodation for Training or Testing" (TC-3) and submit the form to the training academy at least 45 days in advance of the beginning of the basic session or the scheduled date of the basic training certification exam. Only a qualified individual with a disability can request an accommodation. (Note: the 45 days time requirement can be waived by the MCOLES depending on individual circumstances).
- b. The Training Director will review the request for accommodation, enter any comments in writing and sign where indicated on the TC-3, and then forward the form to the MCOLES.

# 17.02 Responsibility of Law Enforcement Candidate to Request Accommodation

- 1. When the Request for Accommodation in Training and Testing form (TC-3) is received by the MCOLES, the following procedures will be initiated:
  - a. A case file for the requesting individual will be opened. All verbal communication with the individual, parent, doctor, Training Director, counselor, etc., will be documented in writing and filed. All relevant written documents will also be filed.
  - b. The MCOLES will acknowledge receipt of the request for accommodation in writing and obtain a signed release from the requesting individual. The purpose of the release is to enable the MCOLES to acquire records from appropriate sources in order to document the disability.
  - c. The Commission will request disability records and documentation from the sources identified by the requesting individual. The disability documentation may be reviewed by an independent specialist chosen by the MCOLES.

- d. The results of the specialist's review will be used by the MCOLES to help determine if the requested accommodation can be made without posing and undue risk to the individual or other trainees, and if the accommodation will reasonably allow the individual the opportunity to successfully complete the basic training and/or certification examination requirements, without compromising professional training/testing standards.
- e. The MCOLES will collaborate with the Training Director before a decision on the requested accommodation is made. The final decision shall be made by the MCOLES.

# 17.03 Notification of Candidate and Training Director

- 1. Notification in writing and acknowledgment required.
  - a. The person seeking the accommodation will be notified in writing of the MCOLES decision. The details of the accommodation will be specified in the written notification. A copy of the notification will be sent to the Training Director.
  - b. The individual will be required to notify the MCOLES, in writing, of their intent to accept the accommodation as offered. A copy of the acceptance letter will be sent to the Training Director by the MCOLES.

# 17.04 Waiver of Accommodation Request or Approval

### 1.Requirements

- a. After a request for an accommodation has been made to the MCOLES, and individual who wishes to withdraw his/her request will be required to sign a waiver of their initial accommodation request.
- b. If an individual decides not to utilize a requested accommodation once it has been approved by the MCOLES, the candidate must so notify the Commission in writing. Upon receipt of the written notification, the MCOLES will require the individual to sign a waiver. The MCOLES will notify the Training Director of the individual's refusal to utilize the approved accommodation.

# 17.05 Appeal of Denial or Approval of and Accommodation

- 1. A denial of a requested accommodation may be appealed by the individual to the Executive Director of the MCOLES.
  - a. The appeal must be made in writing within two weeks of the denial of the requested accommodation.
  - b. The appeal must delineate the reasons why the accommodation denial should be overturned.
  - c. The MCOLES will notify the Training Director when a formal appeal request has been received.
- 2. A Training Director may appeal the decision of the MCOLES to grant an accommodation. The appeal shall be made to the Executive Director of the MCOLES.
  - a. The appeal must be made in writing within one week of the notification to the Training Director that the accommodation has been approved.
  - b. The appeal must specify the rationale for why the approved accommodation should be deleted or modified.

# Training Vehicle Use Policy

# **POLICY**

Each MCOLES approved basic training academy shall have a written policy that establishes the procedures for the safe operation and legal use of training vehicles during emergency vehicle operations training or other relevant training that requires the use of a vehicle. The training director shall ensure that all staff and students follow prescribed procedures during the basic training session. The policy shall establish protocols for the use of marked and unmarked police academy training vehicles, the tracking of individuals responsible for their safe and legal operation, the limits of enforcement authority, and the procedures for discipline and complaints. It shall be the responsibility of MCOLES to review and approve each site's vehicle use policy as part of the annual operating proposal approval process. It shall be the responsibility of the training delivery site to enforce all aspects of its approved policy.

### **PURPOSE**

This policy directs the academy administration to establish protocols for the safe and legal operation and use of a training vehicle during the basic training session. It also sets forth the minimum parameters for the procedures to be contained in the academy vehicle use policy. The intent is to create a safe environment for practical skills training and testing. Reality-based training is encouraged by MCOLES, particularly in high liability areas, however, recruits and students must always be allowed to make training errors in a safe environment. Therefore, the policy must contain written procedures that, at a minimum, will legally and safely address all of the below listed concepts:

#### REQUIRED PROCEDURES TO BE ADDRESSED

Academies must develop specific procedures that address the requirements contained in sections 18.01 through 18.05 of this policy.

#### 18.01 Official Use.

- 1. The policy shall specify that training vehicles shall be used for official purposes only and that recruits shall operate the vehicles for authorized activities only. Personal use of training vehicles by recruits shall be prohibited.
- 2. The policy shall specify that training vehicles shall not be operated on public roads unless licensed and insured for such use. The policy shall govern when and where training vehicles are to be driven, particularly when not being used during training exercises.
- 3. The policy shall describe the enforcement authority of the recruits and prohibit the recruits from taking independent enforcement action in any situation.
- 4. The policy shall govern the method of identifying vehicles as "training vehicles." If the training provider is a law enforcement agency and the training vehicle is fully marked and fully equipped, the training provider may be exempt from this requirement.

#### 18.02 Safe Operation.

- 1. The policy shall prohibit the operation of a motor vehicle if, under any circumstances, the recruit's ability to safely operate the motor vehicle is impaired. In establishing such policy, academies shall consider factors such as:
  - a. wearing prescribed corrective lenses;
  - b. being free from the influence of any drug known to impair the ability to operate a vehicle;
  - c. having no measurable blood alcohol level;
  - d. being well rested and alert;
  - e. having no medical condition that may affect the ability to operate a vehicle; and
  - f. having no injury that may impair the ability to operate a motor vehicle.
- 2. The policy shall require that recruits shall operate training vehicles in a safe, responsible, and professional manner and that training staff and recruits shall comply with all applicable traffic laws.

#### 18.03 Documentation Requirements.

1. The policy shall establish a procedure for administratively tracking training vehicles. Documentation shall specify the instructor assigned to a vehicle, the recruits assigned to the vehicle, date, daily beginning and ending mileage, the reason the vehicle was being used, and any comments regarding unusual circumstances or vehicle defects.

#### 18.04 Complaint Investigations.

- 1. The policy shall ensure that complaints involving the operation of a training vehicle shall be immediately reported to the training director, who will then initiate an investigation, and who will notify the MCOLES if there is a potential violation of the policy.
- 2. The policy shall require the training director to notify MCOLES staff of any injuries or accidents or when the complaint investigation results in any disciplinary action that may affect the recruit's ability to meet employment and selection standards.

#### 18.05 Discipline

- 1. The policy shall specify that violations of policies, procedures, rules, regulations, or laws by the recruit, training provider, or training staff, may result in:
  - a. civil penalties;
  - b. criminal penalties;
  - c. probation, suspension or revocation of approval to conduct basic police training;
  - d. written reprimands;
  - e. other discipline as necessary, up to and including dismissal from the academy.

# MC©LES Policy & Procedure

# Chapter IV PRESERVICE BASIC TRAINING

#### **TABLE OF CONTENTS**

#### THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

## Preservice Basic Training Program Chapter IV

#### **Unit**

- 1. Administrative Law
- 2. Establishing Preservice Basic Training Programs
- 3. Responsibilities and Duties of the Program Administrator, Training Director,, and the Training and Education Advisory Committee.
- 4. Continuation or Revocation of Approved Training Program
- 5. Enrollment in an Approved Preservice Track Program
- 6. Preservice Basic Training Requirements for Successful Completion
- 7. Dismissal of Students for Failure to Meet Training Requirements
- 8. Recognition of Successful Completion of the Basic Preservice Training Program
- 9. Rules while in Attendance at a Commission Approved Training School
- 10. Facilities and Equipment
- 11. Instructor Qualifications
- 12. The Michigan Commission on Law Enforcement Standards Program Monitoring
- 13. Forms and Procedures
- 14. Recognition of Preservice Basic Training Program Graduates
- 15. Accommodation Policy for Training and Testing
- 16. Training Vehicle Use Policy

# Chapter IV – Unit 1

#### Administrative Law

Filed with the Secretary of State on December 20, 1988. These rules take effect 15 days after filing with the Secretary of State. (By authority conferred on the law enforcement Commission by section 11 of Act No. 203 of the Public Acts of 1965, as amended, being 28.611 of the Michigan Compiled Laws) R 28.4309 of the Michigan Administrative Code, appearing on pages 91 and 92 of the 1981 Annual Supplement to the 1979 Michigan Administrative Code, is amended to read as follows:

#### R 28.4301 Definitions.

Rule 1.

- (1) As used in these rules:
  - (a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being 28.601 et seq. of the Michigan Compiled Laws.
  - (b) "Class" means students or trainees administratively grouped to begin training or education activity.
  - (c) "COMMISSION" means law enforcement Commission.
  - (d) "Preservice basic training program" means a Commission approved training and education program offered by a college or university that allows a qualified graduate to be certified as a law enforcement officer upon employment.

- (d) "Preservice basic training program graduate" means a person completing the training and educational requirements of a Commission approved preservice basic training program.
- (f) "Preservice track" means courses containing mandated Commission objectives.
- (g) "Training and education advisory committee" means law enforcement officials participating in the design and evaluation of Commission approved training and education activities.
- (h) "Training objectives" means training objectives mandated by the Commission.
- (2) Terms defined in the act have the same meaning when used in these rules.

#### R 28.4302 Approval to institute a preservice basic training program.

Rule 2.

Commission approval shall be obtained in writing by a college or university before instituting a preservice basic training program.

#### R 28.4303 Application for approval.

Rule 3.

- (1) A college or university shall submit a written request to establish a preservice basic training program.
- (2) The application shall contain, at a minimum, all of the following:
  - (a) A statement that facilities and equipment required are available for students and instructors.

- (b) A description of affiliation with other agencies, colleges, and universities that will be part of the preservice basic training program.
- (c) A description of the duties and responsibilities and membership of the training and education advisory committee.
- (d) The name, address, and position of the person responsible for establishing the preservice basic training program.
- (e) A description of the applicant's goals and objectives for the preservice basic training program.
- (f) A description of the nature and scope of the applicant's financial and philosophical commitment to the preservice basic training program concept.
- (g) A list of college or university rules governing student conduct beyond those established by the Commission.
- (h) A description of how students will be screened before acceptance in the preservice basic training program at the applicant's institution.
- (i) The projected starting and graduation date of the first class.
- (j) A projection of how many students will be enrolled in the program on a yearly basis.
- (k) Identification of how and where Commission training objectives and additional college or university training objectives will be incorporated into college or university course work.
- (l) Identification of the requirements that an enrolled student shall meet in order to successfully complete the prescribed course of study at the college or university.
- (m) Authorization for the Commission to inspect all aspects of the preservice basic training program approved by the Commission.

- (3) An incomplete application, as determined by the Commission, shall be refilled within 30 days after the date of a request for amplification or clarification.
- (4) Failure to comply with sub rule (3) of this rule is grounds for denial of the application.

#### R 28.4304 Approved programs.

Rule 4.

- (1) Colleges and universities approved by Commission to establish a preservice basic training program shall do all of the following:
  - (a) Comply with the approved proposal.
  - (b) Utilize fully qualified and competent instructors in track courses.
  - (c) Comply with procedures established under authority of R 28.4308.

#### R 28.4305 Notice of change in structure or content of program.

Rule 5.

A college shall notify the Commission of any change in the structure or content of an approved preservice basic training program which would affect the factors included in R 28.4303(2) not less than 90 days before the start of a new class.

#### R 28.4306 Revocation of Commission approval; probation.

Rule 6.

- (1) A violation of the rules or deviation from the approved program by a college or university, which is documented by the Commission, constitutes cause to revoke approval as a preservice basic training program institution.
- (2) The Commission may place an approved school on probation for a specific time frame instead of revoking approval.

#### R 28.4307 Rights of appeal and waiver.

Rule 7.

- (1) Approved schools shall have standing to do both of the following:
  - (a) Appeal denials to the Commission.
  - (b) Seek waivers from the Commission for enrolled students.
- (2) Enrolled students shall have standing to appeal to the Commission on matters relating to infringement of Commission rules.
- (3) Commission decisions shall be binding.

#### R 28.4308 Policies and procedures manual.

Rule 8.

The Commission shall prepare and publish a preservice basic training program policies and procedures manual, consistent with these rules, which shall govern the implementation, administration, and evaluation of approved programs.

#### R 28.4309 Student requirements.

Rule 9.

- (1) A student shall comply with all of the following:
  - (a) Meet all current selection and employment standards in R 28.4102 at time of employment as a law enforcement officer.
  - (b) Be fingerprinted on a Michigan State Police applicant card and submit the prints to the Commission to be forwarded to the department of state police for a criminal record search.
  - (c) Authorize the college or university to release student records to the Commission pertaining to preservice enrollment application and academic transcripts.
  - (d) Complete all Commission-approved preservice track courses within a 2-year period.
  - (e) Attain a satisfactory grade of C or above (2.0 out of 4.0) in all preservice track courses, which shall indicate successful completion of the preservice enrollment application and academic transcripts.
  - (f) Meet the requirements established by the college or university for the preservice program that are approved by the Commission.
  - (g) Graduate from an associate or baccalaureate degree program at an accredited college or university.
  - (h) A person who is not employed as a law enforcement officer within 1 year of completion of track courses shall, before employment, attain a passing score on examinations assessing the candidate's competence in courses established by Commission. One additional year of certifiable status may be obtained by completing the Waiver of Training program.

#### R 28.4310 Basic law enforcement training certificates.

Rule 10.

- (1) The Commission shall issue a basic law enforcement certificate, at the time of employment, to a person who successfully completes the preservice basic training program and meets all minimum selection employment standards.
- (2) Colleges and universities shall not issue basic law enforcement training certificates.

#### R 28.4311 Responsibilities of employing agency.

Rule 11.

- (1) Before employing a preservice basic training program graduate as a law enforcement officer, the employing agency shall do all of the following:
  - (a) Fulfill the requirements of R 28.4103.
  - (b) Notify the Commission, in writing, of intent to employ a preservice basic training graduate.
  - (c) Submit forms, prepared and furnished by the Commission, which shall detail documented compliance with employment and training rules.

# Chapter IV - Unit 2

## Establishing Preservice Basic Training Programs

#### **POLICY**

A Preservice Basic Training Program may be administered by a college or university, which qualifies under the rules of the Commission and for which approval is granted by the Commission.

#### **PURPOSE**

The MCOLES is responsible for establishing preservice basic training programs at colleges and universities under the authority of Section II (f), PA 203, of 1965, as amended.

#### **PROCEDURE**

# 2.01 Approval to Institute a Preservice Basic Training Program (see R 28.4302 and R 28.4303)

A college or university interested in establishing a preservice basic training program shall:

- 1. Identify the Program Administrator by name, position and address as the individual responsible for establishing the preservice basic training program.
- 2. Form a Training and Education Advisory Committee. (See 3.03)
- 3. Submit a written request to the Executive Director of MCOLES detailing all of the following:
  - a. Describe the facilities and equipment to be utilized during the preservice basic training program.
  - b. Identify qualified and competent instructors to be utilized in the preservice basic training program.

- c. Provide a description of affiliation with other agencies, colleges, and universities which will be part of the preservice basic training program.
- d. Provide a description of the duties, responsibilities, and membership of the Training and Education Advisory Committee (see 3.03).
- e. Provide a description of the applicant's goals and objectives for the preservice basic training program.
- f. Provide a description of the nature and scope of the applicant's financial and philosophical commitment to the preservice basic training program concept.
- g. Submit a list of any special rules only applicable to preservice program students.
- h. Submit a description of how students will be screened before acceptance in the preservice basic track training program. In addition, a copy of the application packet utilized to enroll applicants in the preservice basic training program must be submitted.
- i. Identify the projected starting and graduation dates of the first class.
- j. Provide a projection of how many students will be enrolled in the program on a yearly basis.
- k. Identify how and where Commission-prescribed training objectives (and any <u>additional</u> college/university training objectives) will be incorporated into the college or university course work.
- Identify the requirements that an enrolled student shall meet in order to successfully complete the prescribed course of study at the college or university.
- m. Provide authorization for the MCOLES to inspect all aspects of the preservice basic training program and to copy any documents.
- n. Provide a statement acknowledging that the college or university will comply with all MCOLES requirements.

o. Provide the MCOLES with a sample copy of any certificate that is issued to indicate student completion of course work for MCOLES approval prior to issuance to students.

#### 2.02 Commission Approval (see R 28.4302)

Commission approval shall be obtained in writing by a college or university before instituting a preservice basic training program.

#### 2.03 Commission Denial (see R 28.4303 [3,4])

Commission may deny requests that:

- 1. Require Commission to assume any financial commitment to the college or university seeking approval.
- 2. Are incomplete or inappropriate as determined by Commission.

# Chapter IV - Unit 3

Responsibilities and duties of the Program Administrator, Training Director, and the Training and Education Advisory Committee.

#### **POLICY**

It shall be the responsibility of the Program Administrator, Training Director and members of the Training and Education Advisory Committee to perform specific duties at an approved preservice training location.

#### **PURPOSE**

This policy establishes a preservice basic program organizational structure that allows input from the Michigan law enforcement community and assigns responsibility for ensuring acceptable program performance.

#### **PROCEDURE**

#### 3.01 Responsibilities and Duties of the Program Administrator.

The Program Administrator is responsible for providing administration and financial stability to the approved preservice training program. The Program Administrator shall:

- 1. Employ a Training Director on a full-time basis.
- 2. Provide proper facilities for the program. (See Unit 10)
- 3. Provide necessary equipment to ensure that course objectives can be met. (See Unit 10)

- 4. Allow the MCOLES to inspect all aspects of the approved program and to copy any documents.
- 5. Assign or release the Training Director or designated representative to attend MCOLES conferences.
- 6. Ensure that the approved program is in compliance with Commission approved policies and procedures and promulgated rules. R 28.4304 (c)
- 7. Ensure that all preservice applicants are screened according to institution procedures prior to acceptance into the preservice basic training program.
- 8. Notify the MCOLES of any change in the structure or content of the approved preservice basic training program which would affect the factors I included in R 28.4303(2) not less than 90 days before the start of a new class.

#### 3.02 Responsibilities and Duties of the Training Director.

The Training Director is responsible for implementing, administering and monitoring the approved program in compliance with the requirements of the Commission, and shall:

- 1. Maintain general supervision/administrative control over the preservice basic training program.
- 2. Sequence the course of study, which shall incorporate the training objectives and hours, published in the current edition of the MCOLES "Basic Police Training Curriculum With Basic Training Objectives" Manual.
- 3. Enforce and comply with the rules promulgated by Commission, as well as any institutional rules approved for the program.
- 4. Ensure that preservice basic training program student records are complete and available when requested by the MCOLES.
- 5. Utilize fully qualified and competent instructors.

- 6. Orient instructors as to the rules and requirements of the preservice basic training program and provide each with course objectives, relevant instructor guidelines, training aids, and information on related subjects in the preservice basic training program.
- 7. Ensure that the preservice program training is delivered in a safe and proper manner.
- 8. Develop test banks and maintain security, integrity, and direct control over test banks.
- 9. Establish rules regarding the use and care of firearms utilized by students during the firearms course.
- 10. Ensure that firearms are inspected for safety by a certified armorer in accordance with manufacturers recommendations or when excessive use warrants more frequent inspection.
- 11. Adhere to the MCOLES basic training philosophy (refer to Chapter I).
- 12. Prepare and publish internal policies addressing preservice training.
- 13. Forward all required documentation to the MCOLES within the time frames established in this manual.
- 14. Serve as the liaison between the preservice institution and the MCOLES. Attend or be represented at all MCOLES conferences and required meetings.
- 15. Act as liaison between the preservice institution and the Training and Education Advisory committee.
- 16. Notify the MCOLES in writing when a preservice basic training student is voluntarily of involuntarily removed from the preservice program, including justification, within 2 weeks of dismissal.
- 17. Immediately report any injury resulting from the preservice training.
- 18. Report any preservice training incident that results in property damage that has implications for potential injury (i.e., firearms mishap, vehicle accident, etc.).

19. Identify recruits that have been admitted into a preservice basic training program with an accommodation(s) to meet the minimum selection standards, Rule R28.4102(a) (e.g., glasses, contacts, hearing aid(s), etc.) Recruits admitted into a preservice basic training program with an accommodation(s) shall wear/use the accommodation(s) during all academy training, unless the activity is identified by the Training Director as presenting a hazard to the health and safety of the recruit.

#### 3.03 Responsibilities and Duties of the Training and Education Advisory Committee.

The Training and Education Advisory Committee is an integral part of the preservice basic training program. The Committee shall consist of no less than five members, all active in the law enforcement community of which the program serves.

#### This committee shall:

- 1. Record minutes for each meeting. Copies of meeting minutes shall be sent to the MCOLES.
- 2. Participate in the formulation of the preservice training proposal.
- 3. Participate in the selection of a Training Director.
- 4. Make recommendations to the preservice institution regarding the screening process, student evaluation, and school policy as it relates to the preservice basic training program.
- 5. Meet at least once a year to review the status of the approved program and make recommendations for program improvement.
- 6. Review, evaluate and make recommendations on all proposed enhanced curriculum.
- 7. Establish and approve student rules of conduct beyond those established by the MCOLES.
- 8. Notify the MCOLES, in writing, at least three weeks prior to the meeting date, of the date, time, and location of all Training and Education Advisory Committee meetings.

# Chapter IV - Unit 4

## Continuation or Revocation of Approved Training Program

#### **POLICY**

All approved locations shall request annual renewal of their Commission performance contract.

#### **PURPOSE**

This policy allows an assessment as to whether the approved program has operated in compliance with the MCOLES policies and procedures. It also establishes a point at which a new and separate training cycle begins. A training cycle terminates two years from the starting date.

#### **PROCEDURES**

#### **4.01** Continuation of Approved Training Program

All approved preservice institutions shall petition the MCOLES of the institution's intent to continue the preservice basic training program.

- 1. The written request for approval to continue offering preservice training shall be submitted by June 1st of each year to the Field Supervisor and contain:
  - a. A current updated operating proposal (see 2.01) including a TC-6 (Curriculum Verification Record), TC8 (Enhanced Curriculum Verification), and a TC-7 (Primary Instructors in the Mandatory "Published Curriculum").
  - b. The date the preservice track program will be begin for the coming school year.
  - c. A projected schedule of preservice track courses for the coming year to include instructor names.

- d. A statement committing the approved institution either to:
  - (1) The rules set forth by Commission and the institution's currently approved and filed proposal; R 28.4304(a), or
    - a. The rules set forth by Commission and a statement of proposed modifications in the currently approved and filed proposal. R 28.4305

#### 4.02 Revocation of Commission Approval; Probation, R 28.4306, Rule 6

- 1. A violation documented by the MCOLES of the rules or deviation from the approved preservice program by a preservice institution constitutes cause to revoke approval as a preservice basic training program institution.
- 2. Commission may place an approved school on probation for a specific time in lieu of revoking program approval.

#### 4.03 Right to Appeal, R 28.4110

1. A preservice institution has a right to appeal under the contested case provisions of R 28.4110.

# Chapter IV – Unit 5

## Enrollment in an Approved Preservice Track Program

#### **POLICY**

All enrollment requirements shall be met before a student is given MCOLES status in a preservice training program.

#### **PURPOSE**

This policy establishes the point in time at which the MCOLES initiates recognition of the student's training as meeting the requirements set forth in Act 203, P.A. of 1965, as amended.

#### **PROCEDURE**

#### 5.01 School Enrollment Requirements.

The Training Director shall:

- 1. Provide each student applicant with a copy of the program requirements.
- 2. Submit a "Preliminary Preservice Tracking Record" (TC-21) to MCOLES at least 2 weeks prior to the end of the first semester. Attach completed "Application For Enrollment/Certification (TC-1) and "Fingerprint Card" (RI-8) for each student listed on the TC-21.

#### 5.02 Student Enrollment Requirements. R 28.4309

In order to enroll in an approved preservice training program, the student shall comply with the following:

- 1. Meet the current selection and employment standards in R 8.4102 and R 28.4102a except as specified in R28.4102 (h), (i), (j), and (k), prior to enrollment.
- 2. Be fingerprinted on a Michigan State Police applicant card (RI-8). The fingerprint cards are to be submitted to the training location.

- 3. Submit a signed and completed "Application for Enrollment/Certification (TC-1) to the Training Director.
- 4. Meet the Commission approved requirements established by the preservice institution for the preservice track program.
- 5. Attend and participate in a mandated MCOLES orientation program prior to the end of the first semester.

# 5.03 Student Requirements for Maintaining Compliance with the Commission's Selection and Employment Standards.

In order to continue participation in the preservice track program, the student shall comply with the following:

- 1. Maintain the current selection and employment standards while enrolled in the track program, except as specified in R28.4102 (h), (i), (j) and (k).
- 2. The student shall have a valid passing score on both (Reading and Writing and Physical Agility R 28.4102 (g) and (h)) tests at the time he/she takes the Commission's Certification exam.

# Chapter IV - Unit 6

# Preservice Basic Training Requirements for Successful Completion

#### **POLICY**

The preservice basic training curriculum shall consist of no less than the most recently published MCOLES basic training objectives, which shall be made available to the students, and the required instructional hours.

#### **PURPOSE**

Under the authority Public Act 203, of 1965, as amended, the MCOLES is responsible for preparing and publishing minimum courses of study for the entry-level law enforcement officer.

#### **PROCEDURES**

#### 6.01 Successful Completion of the Preservice Basic Training Program.

In order to successfully complete the program, the student shall:

- 1. Attend and participate in at least 90% of the approved course of study, unless otherwise stated in this unit.
- 2. Meet the requirements for successful completion of subject control as approved by Commission, which are:
  - a. Achieve 100% attendance in the classroom to develop knowledge.
  - b. Achieve 90% attendance and participation in the application exercises to develop skills.
  - c. Attain a passing score on a performance test. One re-test will be allowed.

- 3. Meet the requirements for successful completion of firearms training as established by Commission, which are:
  - a. Achieve 100% attendance in the classroom to develop knowledge.
  - b. Achieve 90% attendance and participation in the application exercises to develop skills.
  - c. Qualify on a firearms course approved by the MCOLES.
  - d. Attain a passing score on a written examination addressing the academic objectives within the firearms course. One re-test will be allowed.
- 4. Meet the requirements for successful completion of first aid training as established by Commission, which are:
  - a. Achieve 90% attendance and participation in the curriculum hours approved by Commission in the First Aid course.
  - b. Achieve passing scores on all written and performance tests. One re-test per written/ performance test will be allowed.
  - c. Persons who hold a Paramedic, Emergency Medical Technician (EMT), or First Responder License issued by the Michigan Department of Health may be exempt from all or any portion of the First Aid requirements. Persons who hold an "Emergency Response" Certificate from the American Red Cross may also be exempt from all or any portion of the requirements. A copy of the license or Certificate shall be attached to the TC-23. (Note: The license or Certificate must be current at the completion of the program.)
    - (1). The Training Director shall determine how the additional curriculum hours will be utilized by the person who is exempt from meeting the Commission's first aid requirements. This time shall be appropriately documented on the TC-23.
- 5. Meet the requirements for successful completion of the emergency vehicle operation course as established by Commission.

- a. Achieve 100% attendance and participate in the classroom portion of the emergency vehicle operation course.
- b. Achieve 90% attendance in the precision driving course.
- c. Achieve passing scores on all written and performance tests. One re-test per written/performance test will be allowed.
- 6. Meet the requirements for successful completion of the academic courses as approved by Commission, which are:
  - a. Complete all Commission approved preservice track program courses within a 2-year period. R 28.4309 (d)
  - b. Attain a satisfactory grade of C or equivalent to a (2.0) or A (4.0) scale in each preservice track program course. R 28.4309 (e)
  - c. Graduate from an Associate or Baccalaureate degree program at an accredited college or university. R 28.4309 (g)
  - d. Meet the Commission approved requirements established by the preservice institution for the preservice program. R 28.4309 (f)

## **Chapter IV – Unit 7**

#### Disciplinary Action for Rule and Academic Violations

#### **POLICY**

A student who does not meet all of the mandatory preservice training requirements specified in Unit Six (6) of this Chapter shall be removed from the program. In addition, a student shall meet all established Commission minimum Standards of Conduct (Rules) to remain in a training school.

#### **PURPOSE**

Public Act 203, of 1965, as amended, Section 9 (2) stipulates that a person shall not be empowered to exercise the authority of a peace officer in Michigan unless the person has complied with the minimum employment standards published by the Commission. Therefore, a person who does not meet the preservice training requirements shall be dismissed from the training program. Furthermore, the Commission Rules of Conduct are intended to establish uniformity among the various basic police training schools. The rules represent minimum standards of conduct and may be expanded upon by the approval institution if consent is given by the Training and Education Advisory Committee.

#### **PROCEDURE**

#### 7.01 Academic Dismissals and Extension Requirements:

All dismissals shall be well founded and documented.

- 1. The failure by any student to do any of the following is cause for dismissal:
  - a. Successfully complete the prescribed course of study established in R28.4309 (6.01).
  - b. Meet the firearms, emergency vehicle operation, subject control, and first aid performance requirements during the training session. For exceptions when applicable, see Chapter IV, Unit 6, Section 6.01.

- c. Maintain selection and employment standards as established in R 28.4102 and R 28.4102a during the training class (law enforcement agency employees).
- d. Comply with Commission and School Rules and Regulations.

# 7.02 Any of the following conduct is cause for disciplinary action up to and including dismissal:

- 1. Consuming or possessing alcoholic beverages during training hours, including lunch and break times, unless authorized in a training situation; or reporting to any course and showing signs of use of alcoholic beverages "Zero Tolerance."
- 2. Possessing or using a controlled substance except pursuant to a valid prescription as declared on an accommodation form to the Training Director. (Note: An approved preservice program is required to have a policy that enables the institution to test a recruit if there is reasonable suspicion that the individual is engaging in illicit use of a controlled substance. The policy shall stipulate that a student tested "for cause" will be dismissed from the preservice track training programs is the student: (1) tests positive, (2) fails to report to provide a specimen, or (3) otherwise refuses to give a urine specimen.)
- 3. Dishonesty in any form, and particularly in relation to any testing process.
- 4. Engaging in behavior that is a violation of the law. This includes violations of local ordinances or any court ordered injunction.
- 5. Engaging in conduct which violates School or Academy Rules of Conduct.
- 6. Failure to wear/use the mandatory accommodation(s) required to meet the Commission's minimum selection standards as specified in R 28.4102a, unless otherwise directed by the Training Director of the Academy.
- 7. Engaging in conduct which compromises the student's ability to perform as a law enforcement officer, which includes any violation of the provisions of the Law Enforcement Code of Ethics, as adopted by the Commission.

#### 7.03 If a Student is Enjoined by a Personal Protection Order (PPO):

- 1. The student shall immediately notify the Training Director of the Academy of the existence of said order. Failure to do so shall be considered failure to disclose and shall be cause for discipline up to and including discharge from the Academy.
- 2. The student shall provide a copy of the order to the Training Director of the Academy and shall also immediately file for a hearing before the Circuit Court requesting that said hearing be held as expeditiously as possible for the purposes of adjudication.
- 3. The Training Director of the Academy shall then immediately advise MCOLES in writing.
- 4. If the order contains an element of violence or stalking behavior, or the firearms prohibition section is checked, the student shall not participate in training until the order is adjudicated. If these elements do not apply, a decision shall be made by the Training Director of the Academy on a case by case basis as to whether to allow the student to continue participating in training until the status of the order is adjudicated.
- 5. The Training Director of the Academy shall conduct an investigation into the incident as it would any other Rules violation. The person conducting the investigation shall keep MCOLES appraises of the status and may consult with MCOLES at any time. Upon completion of the investigation, copies of all reports and related materials shall be forwarded to MCOLES. Said reports shall be included in the student's training record.
- 6. After the Circuit Court hearing, if the order is dismissed, the student shall be returned to training. If the order is continued and contains an element of violence, stalking or firearms prohibition, the student shall continue to not participate in training. If these elements do not apply, a decision shall be made by the Training Director of the Academy on a case by case basis as to whether the student shall continue to participate in training, or be returned to training.
- 7. If a student's absence violates the attendance policy (Chapter IV, Unit 6, 6.01), the Training Director should follow the dismissal policy in Chapter IV, Unit 8.

# 7.04 If a Student is charged with a Violation of Michigan Law, Local Ordinance or the Laws of any other State, with the exception of Civil Infractions:

- 1. The student shall immediately notify the Training Director of the Academy of the charges and the facts surrounding it.
- 2. The Training Director shall immediately notify MCOLES of the violation and initiate an investigation into the incident as he/she would any other Rules violation. Copies of all reports pertaining to the investigation shall be forwarded to MCOLES and shall remain a part of the student's training record.
- 3. The student shall immediately be removed from training until the matter is completely adjudicated.
- 4. Depending on the results of the adjudication, a decision shall be made by the Training Director of the Academy as to whether the student is still compliant with minimum selection and employment standards. The Training Director of the Academy shall then make a determination whether or return the student to training or dismiss the student from the current Academy.
- 5. If a student's absence violates the attendance policy (Chapter IV, Unit 6, 6.01), the Training Director should follow the dismissal policy in Chapter IV, Unit 8.

# Chapter IV - Unit 8

## Student Dismissal and Appeal Procedures

#### **POLICY**

Preservice Basic Police Training schools shall follow the prescribed procedures for the dismissal of a student from an approved training session. A copy of the appeal procedure shall be provided to all dismissed students.

#### **PURPOSE**

The policy establishes a structured procedure to be followed in all dismissals. It provides for proper record keeping, documentation, notification, and due process regarding a student's appeal.

#### **PROCEDURES**

- 8.01 The following are the Procedures for the Student Dismissal Process and Appeals. R 28.4307(2)
  - 1. The procedure to dismiss a student is as follows:
    - a. The Training Director of the Academy shall:
      - (1) Notify the MCOLES and the college before taking action.
      - (2) Notify the student, verbally or in writing, that dismissal action is being taken.
      - (3) Advise the student regarding appeal.
      - (4) Report to the college and the MCOLES in writing, within two (2) working days, that dismissal action was taken, delineating the documented reasons for dismissal.

- b. All voluntary or involuntary separations from any training facility shall be reviewed by Commission staff. The review shall ensure that the correct procedures have been followed.
- c. It is left to the discretion of the Academy, whether or not the student will be allowed re-entry into that academy in another session.
- 2. The appeal procedure is as follows:
  - a. Any dismissal may be appealed to the MCOLES by the student. The appellant must, in writing, advise the MCOLES of the intent to appeal and the rationale as to the objection of the dismissal within five (5) working days.
    - (1) A student shall remain in the training session during the appeal process. During this time, the MCOLES and the Training Director of the Academy reserve the right to limit the student's participation in the training activities based on the dismissal charges.
  - b. Commission decisions regarding agency and student appeals are binding. R 28.4307(3)

# Chapter IV - Unit 9

# Recognition of Successful Completion of the Preservice Basic Training Track Program

#### **POLICY**

An individual will not be deemed by the Commission to have successfully completed the preservice basic training track program until all of the required documentation is received and verified by the MCOLES.

#### **PURPOSE**

Under the authority of Public Act 203, of 1965, as amended, the Commission is responsible for ensuring that individuals meet the basic training requirements before being eligible to receive a preservice basic training track program certificate.

#### **PROCEDURES**

#### 9.01 Documentation Required for Successful Completion.

Individual recognition of successful completion of the approved program shall occur when:

- 1. The Final Preservice Tracking Record (TC-22) is received by the MCOLES.
- 2. The Preservice Student Record (TC-23) is received by the MCOLES.
- 3. An official college/university transcript showing the degree issued is received by the MCOLES.
- 4. The student has passed the MCOLES Certification Examination. This shall occur within one (1) year of student's preservice track program completion date. One (1) re-test is allowed within the same time frame.

#### 9.02 Recognition of Successful Completion

- 1. A letter of congratulations and information about employment requirements will be sent to the individual when the requirements of 8.01 are fulfilled.
- 2. The Commission will issue a basic law enforcement training certificate to the individual when all employment standards are met, and upon employment as a law enforcement officer in Michigan.
  - a. An individual not employed within the first year must apply and recive acceptance into the Waiver of Mandatory Training Program and successfully complete an examination assessing competence in courses established by the Commission. This shall be completed prior to employment as a law enforcement officer in Michigan.
  - b. Preservice Basic Police Training Schools shall not issue basic law enforcement training certificates. R28.4310 (2)

# Chapter IV - Unit 10

#### Facilities and Equipment

#### **POLICY**

An approved preservice institution's facilities and equipment shall meet all established MCOLES requirements.

#### **PURPOSE**

Under the authority of Public Act 203, of 1965, as amended, the Commission is responsible for preparing and publishing minimum standards for training facilities and equipment.

#### 10.01 Minimum Requirements for Facilities

The facilities shall consist of:

#### 1. <u>Classroom and library</u>

The classroom shall have an environment (climate control, noise barrier, seating, etc.) that is conducive to effective learning.

A library containing books and reference material addressing the law enforcement discipline shall be readily available to the student.

Equipment shall consist of suitable audio/visual equipment; projection screen that meets projection standards for room size; copier equipment; flip chart; chalkboards; bulletin boards; latent fingerprinting and palm-printing equipment and materials for student practice; and fax machine.

#### 2. <u>Firearms Range</u>

The firearms range, whether indoor or outdoors, shall comply with current Commission firearms specifications.

Equipment shall consist of eye and ear protectors for each person on the firearms range (individuals may provide their own). The protectors shall be of suitable quality and be recognized by the Michigan Occupational Safety and Health Act as appropriate safety equipment. All handguns and holsters used shall be the type commonly used by the law enforcement agencies served. The equipment combination shall be appropriate (e.g., holster fits handgun).

#### 3. Subject Control

The area established for subject control training shall be large enough to allow the practice of required takedowns, holds, and releases without injury to the participants. The gym mats shall meet or exceed the current standards as established by the National Collegiate Athletic Association (NCAA).

A locker room shall be convenient with a locker for each individual. Separate shower, and toilet facilities shall be available for males and females.

Equipment shall consist of handcuffs and leather goods; police-type shotguns; and riot batons.

#### 4. <u>Emergency Vehicle Operation</u>

The area utilized for emergency vehicle operation shall meet or exceed the standards established by the Michigan Driver Training Reference Guides.

Equipment shall consist of manufacturer's designated "Police Package" vehicles with job related equipment for emergency vehicle operation.

#### 10.02 Minimum Requirements for Equipment.

The approved basic preservice police training school, or student where appropriate, shall have modern training techniques and equipment.

# Chapter IV - Unit 11

#### Instructor Qualifications

#### **POLICY**

Instructors in the preservice basic training program shall meet acceptable standards of competence and behavior.

#### **PURPOSE**

Instructors shall possess the necessary experience, knowledge and skills to effectively instruct in their assigned areas of the basic police training program, and be knowledgeable of the Commission's philosophical statement for basic training programs as described in Chapter I, Section 3.

#### 11.01 Instructor Requirements in Content Area(s)

1. Minimum Instructor Requirements:

An instructor shall have a minimum of one (1) year job experience or have the professional training, demonstrable skills and experience that relates to the subject area(s) to which the instructor is assigned. The instructor shall be recommended by the Training Director to receive MCOLES approval.

2. Legal Instruction:

All legal subjects shall be taught by an attorney admitted to the Michigan Bar.

3. Standard First Aid, Child Birth and Vehicle Extrication:

An instructor in standard first aid and personal safety, childbirth, and vehicle extrication shall first be approved by the American Red Cross to instruct in each of these subjects.

4. Cardio-pulmonary Resuscitation (CPR):

An instructor of cardio-pulmonary resuscitation (CPR) shall first be approved by the American Red Cross or Michigan Heart Association to instruct this subject.

### 5. Subject Control:

A subject control instructor shall first successfully complete a recognized subject control instructor-training program and serve as an assistant instructor under the tutelage of a primary instructor. The instructor shall be recommended by the Training Director and approved by MCOLES.

### 6. Emergency Vehicle Operation:

An emergency vehicle operation instructor shall first successfully complete a recognized emergency vehicle operation instructor-training course and serve as an assistant instructor under the tutelage of a primary instructor. The instructor shall be recommended by the Training Director and approved by MCOLES.

### 7. Firearms:

A firearms instructor shall first successfully complete a recognized firearms instructor-training program and serve as an assistant instructor under the tutelage of a primary instructor. The instructor shall be recommended by the Training Director and approved by MCOLES.

### 8. Hazardous Materials:

A hazardous materials instructor shall first successfully complete a recognized HazMat instructor course and serve as and be certified by MCOLES to instruct hazardous materials subjects..

### 9. Speed Measurement:

A speed measurement instructor shall first successfully complete a MCOLES recognized speed measurement instructor course and be certified by MCOLES to instruct speed measurement.

### 11.02 Classroom Demeanor and Appearance

- 1. An instructor shall reflect high standards of behavior and professional bearing and appearance in the classroom and during all basic training activities.
- 2. An instructor shall have the ability to effectively communicate with students as adult learners and to instruct in a manner that motivates students to learn.

### 11.03 Preparation for and Execution of Instructional Responsibilities

- 1. An instructor should complete an instructor-training course that includes the principles of adult learning theory.
- 2. Each instructor shall complete a formal lesson plan using the MCOLES basic training module objectives. The lesson plan(s) should include time allotments and use of training aids and be on file with the academy.
- 3. Instructors are responsible for preparing test items to measure student achievement of the MCOLES training objectives.

### 11.04 Primary and Assistant Instructors

- 1. Primary Instructors are individuals qualified to teach a specific <u>skill area</u> and are recognized as such by the MCOLES. Only Primary Instructors are authorized to teach in the skill areas as lead instructors but may be assisted by others (Assistant Instructors).
- 2. Assistant Instructors who seek status as Primary Instructors in the skill areas of subject control, emergency vehicle operation and firearms shall first teach under the tutelage of a Primary Instructor as prescribed by the MCOLES.

Subject Control: The instructor shall function as an assistant instructor under the tutelage of a current primary subject control instructor for 48 on site hours.

Emergency Vehicle Operation: The instructor shall function as an assistant instructor under the tutelage of a current primary emergency vehicle operation instructor for 22 on site hours during one training session.

Firearms: The instructor shall function as an assistant instructor under the tutelage of a current primary firearms instructor for a total of 88 hours (orientation 8 hours; policy/procedures and liabilities 24 hours; range techniques

56 hours).

### 11.05 Continuation of Instructor Status

- 1. An instructor shall be formally evaluated by the Training Director or his/her designate at least once every two (2) years. The instructor shall be evaluated to determine whether the instructor 1) possesses the requisite skills and knowledge in the subject; 2) uses a suitable written lesson outline; and 3) effectively delivers training in the classroom. Failure to perform satisfactorily may result in the revocation of instructor status by the MCOLES.
- 2. An instructor shall teach in his/her assigned curriculum area at least once every two (2) years in order to maintain the MCOLES approved status. It is the instructor's responsibility to remain current in his/her respective area of instruction.

# **Preservice Basic Training Program**

# Chapter IV - Unit 12

# The Michigan Commission on Law Enforcement Standards Program Monitoring

### **POLICY**

The MCOLES will conduct periodic inspections of the preservice basic training program at approved locations to ensure student and preservice institution compliance with Commission policies and procedures.

### **PURPOSE**

The purpose of this policy is to fulfill the MCOLES statutory responsibility for program oversight. On-site monitoring and inspecting of approved programs provides an independent verification that the students and the institution are in compliance with all applicable requirements, procedures and laws relative to law enforcement training and certification.

### **PROCEDURE**

### 12.01 Commission Program Monitoring

- 1. MCOLES Inspectors shall conduct on-site inspections and program audits of approved programs.
- 2. MCOLES staff will contact the Training Director before training staff, instructors, or trainees are contacted.
- 3. MCOLES staff will advise the Training Director of the results of an inspection in writing.

# **Preservice Basic Training Program**

# Chapter IV – Unit 13

### Forms and Procedures

### **POLICY**

An approved preservice institution shall complete and submit all required MCOLES forms.

### **PURPOSE**

This policy establishes the procedure for collecting appropriate documentation that will serve as the official State record verifying that the requirements of Public Act 203, of 1965, as amended, have been fulfilled.

### **PROCEDURE**

A description of the required forms and their purpose follows:

### **13.01** Curriculum Verification Record (TC-6)

This document is the official commitment by the institution to provide mandatory basic training as required by the MCOLES. The document shall be submitted each year at the time of the renewal request.

### 13.02 Primary Instructors in the Mandatory Curriculum (TC-7)

This document shall be submitted at the time of the annual renewal request. All instructors shall be qualified (refer to Chapter IV, Unit 11) and competent to instruct in the approved preservice basic training program.

### 13.03 Enhanced Curriculum Verification Record (TC-8)

Any courses required in excess of the mandatory curriculum hours shall be documented on this form. The Training and Education Advisory Committee shall approve additional courses. This document shall be submitted each year at the time of the renewal request, if applicable.

### **13.04** Application for Enrollment (TC-1)

An original application for enrollment/certification (TC-1) shall be completed by a law enforcement agency or the trainee and forwarded to the appropriate Training Director before a recruit will be allowed to attend an MCOLES approved training session. The TC-1 and the required attachments shall be received by the Training Director prior to the MCOLES orientation and be properly filled out and signed where appropriate. Incomplete or late applications will not be accepted.

This original application shall be completed and presented to the MCOLES at the time of the MCOLES orientation.

### 13.05 Physician's Statement of Candidate's Medical Condition (TC-1A)

This form is required and shall be attached to the TC-1. The TC-1A shall be completed in full and signed in the appropriate place by the examining licensed physician.

### 13.06 Preliminary Preservice Tracking Record (TC-21)

This document controls entry of the student into the preservice "tracking" system and shall be available at the time of the MCOLES orientation (at least 2 weeks prior to the end of the first semester/quarter).

### 13.07 Final Preservice Tracking Record (TC-22)

This document is to be submitted whenever a student completes the preservice training requirements. Additionally, the Training Director shall submit a letter indicating an audit has been done confirming degree requirements have been met or an official college transcript indicating the degree has been completed.

### 13.08 Preservice Student Record (TC-23)

All entries on this document shall be typed except the signature. This form is the official document for completion of law enforcement training requirements and shall be submitted along with the TC-22.

### 13.09 Verification of Certification Exam Eligibility (TC-36)

This form will be issued to the student by the Training Director and shall be presented by the student a the MCOLES certification examination site at the time of the exam in order to be admitted.

# **Preservice Basic Training Program**

# Chapter IV – Unit 14

### Recognition of Preservice Basic Police Training Programs

### **POLICY**

There shall be an award entitled "The Michigan Commission on Law Enforcement Standards Outstanding Performance Award." The award may be presented to an outstanding trainee in each Commission approved basic training session. The Commission will be responsible for purchasing and presenting the award.

### **PURPOSE**

The award provides recognition to basic training participants who exhibit high standards of performance measured by their mental, physical and moral fitness while in the training environment.

### **PROCEDURES**

### 14.01 Description of Outstanding Performance Award and Criteria to be Measured

An award may be presented to the trainee who has demonstrated outstanding performance in the preservice training program. Outstanding performance shall be measured by assessing the trainee's level of performance in the categories of knowledge, skill, leadership, interpersonal communication and appearance. Each of these 5 categories are given equal weight. The award will be in the form of a plaque and entitled "Outstanding Performance Award".

### 14.02 Academy Session and Candidate Qualifications

An approved preservice program may nominate a graduate who has met the criteria for "The Michigan Commission on Law Enforcement Standards Outstanding Performance Award" as follows:

1. A preservice program having 10 or more graduates may present an Outstanding Performance Award to one of its graduates. Graduating classes of less than 10 graduates may be combined with the next graduating class.

- a. The award should be made at a time when the presentation affords the best opportunity for student and public recognition such as a formal graduation ceremony, or an occasion when other awards are presented (i.e. a dinner).
- b. The Training Director shall first identify students who performed in the top 20% of the class in each of the two categories of knowledge and skill. These students then will be rated according to 14.03.

### **14.03** Rating the Candidates

Candidates for the award shall be in the top 20% of the class in <u>each</u> category of knowledge, skills, interpersonal communication, leadership, and appearance. The candidates with the highest total number of points will receive the award.

- 1. Knowledge (Rated by Training Director)
  - a. Points are to be awarded according to their in-house test score average.
  - b. An overall grade percentage of 100% to 90% = 10 points, 89% to 85% = 8 points and 84% to 80% = 6 points.
- 2. Skills (Rated by Training Director)
  - a. All skills that are taught where the student is required to physically perform are to be considered. (At a minimum –emergency vehicle operation, firearms, subject control, and first aid.)
  - b. Points are to be awarded according to their in-house test scores: written and performance. Each skill should be rated individually.
  - c. An overall grade percentage of 100% to 90% = 10 points, 89% to 85% = 8 Points and 84% to 80% = 6 points. The top 20% will be determined by the total number of points for all skills.
- 3. Interpersonal Communication
  - a. Rated by students, Training Director, and assistant coordinator who each have a singular vote.
  - b. How the trainee relates to fellow students and instructors. Do they speak in a

clear voice, express their views in a clear, concise, and non-offensive manner? Are they a willing listener?

c. Scoring: 10 points, 8 points, 6 points and 0 points.

### 4. Leadership

- a. Rated by students, Training Director, and assistant coordinator who each have a singular vote.
- b. Willing to follow a person because of the example they provide in a courteous, mature, positive attitude towards meeting the school's requirements and the Law Enforcement Code of Ethics (not acting officiously, talking about fellow students, etc.) Do not consider any factors addressed in other categories (appearance, communications, etc.)
- c. Scoring: 10 points, 8 points, 6 points and 0 points.
- 5. Appearance (Rated by Students and Training Director)
  - a. Rated by students, Training Director, and assistant coordinator who each have a singular vote.
  - b. Hair, clothes, bearing, and carriage.
  - c. Scoring: 10 points, 8 points, 6 points and 0 points.

### **Scoring**

Rank scoring is accomplished by establishing the sum total for all categories for each individual. Each individual must achieve a score reflective of at least 80% of the total possible points (class size x 10 points) in each category to continue in the process or otherwise he/she is eliminated. The highest-ranking score will then receive the award.

### **Overall Score Tie Breaking**

If there is a tie score, the tie will be broken by re-scoring the actual academic and skill test score averages and adding them to the existing total score.

### **14.04 Presentation Ceremony**

The master of ceremonies for the graduation exercise shall schedule the MCOLES award to immediately follow the presentation of all other awards. The presenter shall be introduced by name along with the fact that a MCOLES award will be presented.

The presenter of the award will be either a Commission member or a member of the MCOLES staff. The presentation shall be made in a uniform manner throughout the state so a traditional ceremony is established. The audience is to be informed of the name of the award, what is measured, and how the winner was determined.

# **Preservice Basic Training Program**

# Chapter IV – Unit 15

### Accommodation Policy for Training and Testing

### **POLICY**

It is the policy of the Michigan Commission on Law Enforcement Standards to provide qualified individuals an opportunity to participate in and meet Commission requirements for the mandatory basic training program and/or the MCOLES basic training certification examination. A qualified individual with a disability, as defined by the American With Disabilities Act, may request an accommodation. The Commission will determine whether a person is eligible for an accommodation on a case-by-case basis. Requests for an accommodation in meeting basic training and/or testing requirements shall be reviewed by Commission staff and the basic training academy director to determine whether an accommodation will reasonably allow the individual the opportunity to successfully complete the mandated course of study and/or the certification examination process.

### **PURPOSE**

In order to conform with the requirements of the Americans With Disabilities Act and the Michigan Handicappers Civil Rights Act, the MCOLES has developed a policy and procedure to review and approve requests for accommodation by individuals with disabilities. This policy shall apply to individuals who seek an accommodation in training or testing for a MCOLES approved basic training program.

### 15.01 Responsibility of Law Enforcement Candidate to Request Accommodation

- Completion of Commission form TC-3, "Request for Accommodation for Training or Testing"
  - a. Individuals with a disability who wish to request an accommodation for the basic training program and/or certification examination must complete the MCOLES form titled, "Request for Accommodation for Training or Testing" (TC-3) and submit the form to the training academy at least 45 days in advance of the beginning of the basic session or the scheduled date of the basic training certification exam. Only a qualified individual with a disability can request an accommodation. (Note: The 45-day time requirement can be waived by the MCOLES depending on individual circumstances).

b. The Training Director will review the request for accommodation, enter any comments in writing and sign where indicated on the TC-3, and then forward the form to the Employment Standards Section.

### 15.02 Processing of Accommodation Request by the MCOLES

- 1. When the Request for Accommodation for Training and Testing form (TC-3) is received by the MCOLES, the following procedures will be initiated:
  - a. A case file for the requesting individual will be opened. All verbal communication with the individual, parent, doctor, Training Director, counselor, etc., will be documented in writing and filed. All relevant written documents will also be filed.
  - b. The MCOLES will acknowledge receipt of the request for accommodation in writing and obtain a signed release from the requesting individual. The purpose of the release is to enable the MCOLES to acquire records from appropriate sources in order to document the disability.
  - c. The MCOLES will request disability records and documentation from the sources identified by the requesting individual. The disability documentation may be reviewed by an independent specialist chosen by the MCOLES.
  - d. The results of the specialist's review will be used by the MCOLES to help determine if the requested accommodation can be made without posing and undue risk to the individual or other trainees, and if the accommodation will reasonably allow the individual the opportunity to successfully complete the basic training and/or certification examination requirements, without compromising professional training/testing standards.
  - e. The MCOLES will collaborate with the Training Director before a decision on the requested accommodation is made. The final decision shall be made by the MCOLES.

### 15.03 Notification of Candidate and Training Director

- 1. Notification in writing and acknowledgement required.
  - a. The person seeking the accommodation will be notified in writing of the MCOLES decision. The details of the accommodation will be specified in the written notification. A copy of the notification will be sent to the Training Director.

b. The candidate must contact the MCOLES, in writing, of their intent to accept the accommodation as offered. A copy of the acceptance letter will be sent to the Training Director by the MCOLES.

### 15.04 Waiver of Accommodation Request or Approval

### 1. Requirements

- a. After a request for an accommodation has been made to the MCOLES, an individual who wishes to withdraw his/her request will be required to sign a waiver of their initial accommodation request.
- b. If an individual decides not to utilize a requested accommodation once it has been approved by the MCOLES, the candidate must so notify the MCOLES in writing. Upon receipt of the written notification, the MCOLES will require the individual to sign a waiver. The MCOLES will notify the Training Director of the individual's refusal to utilize the approved accommodations.

### 15.05 Appeal of Denial or Approval of an Accommodation

- 1. A denial of a requested accommodation may be appealed by the individual to the Executive Director of the MCOLES.
  - a. The appeal must be made in writing within two weeks of the denial of the requested accommodation.
  - b. The appeal must delineate the reasons why the accommodation denial should be overturned.
  - c. The MCOLES will notify the Training Director when a formal appeal request has been received.
- 2. A Training Director may appeal the decision of the MCOLES to grant an accommodation. The appeal shall be made to the Executive Director of the MCOLES.
  - a. The appeal must be made in writing within one week of the notification to the Training Director that the accommodation has been approved.
  - b. The appeal must specify the rationale for why the approved accommodation should be deleted or modified.

# **Preservice Basic Training Program**

# Chapter IV - Unit 16

# Training Vehicle Use Policy

### **POLICY**

Each MCOLES approved basic training academy shall have a written policy that establishes the procedures for the safe operation and legal use of training vehicles during emergency vehicle operations training or other relevant training that requires the use of a vehicle. The training director shall ensure that all staff and students follow prescribed procedures during the basic training session. The policy shall establish protocols for the use of marked and unmarked police academy training vehicles, the tracking of individuals responsible for their safe and legal operation, the limits of enforcement authority, and the procedures for discipline and complaints. It shall be the responsibility of MCOLES to review and approve each site's vehicle use policy as part of the annual operating proposal approval process. It shall be the responsibility of the training delivery site to enforce all aspects of its approved policy.

### **PURPOSE**

This policy directs the academy administration to establish protocols for the safe and legal operation and use of a training vehicle during the basic training session. It also sets forth the minimum parameters for the procedures to be contained in the academy vehicle use policy. The intent is to create a safe environment for practical skills training and testing. Reality-based training is encouraged by MCOLES, particularly in high liability areas, however, recruits and students must always be allowed to make training errors in a safe environment. Therefore, the policy must contain written procedures that, at a minimum, will legally and safely address all of the below listed concepts:

### REQUIRED PROCEDURES TO BE ADDRESSED

Academies must develop specific procedures that address the requirements contained in sections 16.01 through 16.05 of this policy.

### 16.01 Official Use.

- 1. The policy shall specify that training vehicles shall be used for official purposes only and that recruits shall operate the vehicles for authorized activities only. Personal use of training vehicles by recruits shall be prohibited.
- 2. The policy shall specify that training vehicles shall not be operated on public roads unless licensed and insured for such use. The policy shall govern when and where training vehicles are to be driven, particularly when not being used during training exercises.
- 3. The policy shall describe the enforcement authority of the recruits and prohibit the recruits from taking independent enforcement action in any situation.
- 4. The policy shall govern the method of identifying vehicles as "training vehicles." If the training provider is a law enforcement agency and the training vehicle is fully marked and fully equipped, the training provider may be exempt from this requirement.

### 16.02 Safe Operation.

- 1. The policy shall prohibit the operation of a motor vehicle if, under any circumstances, the recruit's ability to safely operate the motor vehicle is impaired. In establishing such policy, academies shall consider factors such as:
  - a. wearing prescribed corrective lenses;
  - b. being free from the influence of any drug known to impair the ability to operate a vehicle;
  - c. having no measurable blood alcohol level;
  - d. being well rested and alert;
  - e. having no medical condition that may affect the ability to operate a vehicle; and
  - f. having no injury that may impair the ability to operate a motor vehicle.
- 2. The policy shall require that recruits shall operate training vehicles in a safe, responsible, and professional manner and that training staff and recruits shall comply with all applicable traffic laws.

### 16.03 Documentation Requirements.

1. The policy shall establish a procedure for administratively tracking training vehicles. Documentation shall specify the instructor assigned to a vehicle, the recruits assigned to the vehicle, date, daily beginning and ending mileage, the reason the vehicle was being used, and any comments regarding unusual circumstances or vehicle defects.

### 16.04 Complaint Investigations.

- 1. The policy shall ensure that complaints involving the operation of a training vehicle shall be immediately reported to the training director, who will then initiate an investigation, and who will notify the MCOLES if there is a potential violation of the policy.
- 2. The policy shall require the training director to notify MCOLES staff of any injuries or accidents or when the complaint investigation results in any disciplinary action that may affect the recruit's ability to meet employment and selection standards.

### 16.05 Discipline

- 1. The policy shall specify that violations of policies, procedures, rules, regulations, or laws by the recruit, training provider, or training staff, may result in:
  - a. civil penalties;
  - b. criminal penalties;
  - c. probation, suspension or revocation of approval to conduct basic police training;
  - d. written reprimands;
  - e. other discipline as necessary, up to and including dismissal from the academy.

# MC©LES Policy & Procedure

# Chapter V OFFICER RECERTIFICATION

## **TABLE OF CONTENTS**

### THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

# Officer Recertification Chapter V

### <u>Unit</u>

- 1. Administrative Law
- 2. Application Requirements and Minimum Qualifications for a Waiver of the Mandated Training
- 3. Establishing a Waiver of Training Program and Test Site
- 4. Responsibility and Duties of the Program Administrator
- 5. Responsibilities of the Employing Agency
- 6. Continuation, Revocation, and Approval of a Waiver of the Mandatory Training Program or Test Site
- 7. Facilities and Equipment
- 8. Instructor Qualifications
- 9. Commission Program Monitoring
- 10. Forms and Procedures

### Officer Recertification

## Chapter V – Unit 1

### Administrative Law

Filed with the Secretary of State on December 20, 1988. These rules take effect 15 days after filing with the Secretary of State. (By authority conferred on the law enforcement Commission by section 9 of Act No. 203 of the Public Acts of 1965, as amended, being 28.609, R 28.4201, R 28.4206, rescinded by R 28.4199 of the Michigan Compiled Laws.)

### R 28.4151 Definitions.

Rule 1.

- (1) As used in these rules:
- (a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being 28.601 *et seq.* of the Michigan Compiled Laws.
- (b) "Basic police training program" means the program of studies defined in R 28.4360 to R 28.4366.
- (c) "Certified as a police officer" means a person who has met all selection, employment, training, or Waiver of Mandatory Training standards and who is approved by the Commission or pursuant to the act to exercise the authority of a police officer.
- (d) "Chief hearing officer" means a person who regulates the hearing proceedings when more than one (1) hearing officer is designated.

- (e) "Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended being 24.201 *et seq*. of the Michigan Complied laws.
- (f) "Employment" means the offering of a service of labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the fair labor standards act of 1938, as amended (29 U.S.C. 206, *et seq*).
- (g) "Full police powers" means an individual has the authority to enforce the general criminal statutes of the state.
- (h) "General criminal laws" means laws that classify an action as a misdemeanor or felony punishable by fine or imprisonment and have general applicability as opposed to regulation of a particular class.
- (i) "Hearing officer" means a person responsible for conducting hearings on matters within the agency's jurisdiction.
- (j) "Minimum employment standards" means the recruitment, section, training, and appointment standards defined in R 28.4102 to R 28.4108.
- (k) "Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.
- (l) "Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.
- (m) "Recertified as a law enforcement officer" means a person who has completed all the requirements for recertification.
- (n) "Standard setting agency" means a state agency authorized by statute to promulgate training and employment rules for the certification of law enforcement officers.
- (2) The terms defined in the act have the same meanings when used in these rules.

### **R 28.4152** Waiver of Mandatory Training program; application.

Rule 2.

An employing agency or a person who was certified as a police officer by an appropriate state standard setting agency in Michigan or another state is required to submit a letter requesting an application for enrollment in a Waiver of Mandatory Training program to be considered for a Waiver of Mandatory Training test.

### R 28.4153 Waiver of Mandatory Training program; candidate qualifications.

Rule 3.

- (1) A person previously certified as a police officer in Michigan shall meet all of the following requirements to qualify for admission to the Waiver of Mandatory Training program:
  - (a) "Discontinuance of employment as a police officer for a period of time in excess of that provided for in Section 9 (2) (a) through (c) of the Act.
  - (b) Can reasonably expect to meet the minimum employment requirements of R 28.4102, except for Sections (j), (k), (l), and (m).
  - (c) Has currently secured or anticipates employment within twelve (12) months of the start of training or taking the test, whichever occurs first.
- (2) A person who is or was certified as a police officer, as defined in another state, shall meet all of the following requirements to qualify for admission to the Waiver of Mandatory Training program:
  - (a) Complete a state-recognized basic training program or be employed before the establishment of training standards.
  - (b) Has been employed as a police officer for a minimum of one (1) year.

- (c) Can reasonably expect to meet the current minimum employment standards of R 28.4102, except for Sections (j), (k), (l), and (m).
- (d) Has currently secured or anticipates employment within twelve (12) months of the start of training or taking the test, whichever occurs first.
- (e) If unemployed as a law enforcement officer, the separation shall have been under such conditions which qualify the person for rehiring in that state unless that training standard exceeds Michigan's.
- (3) A person previously certifiable based on compliance with preservice requirements shall meet all of the following requirements to qualify for admission to the Waiver of Mandatory Training program.
  - (a) Pass the Commission's physical performance skills test.
  - (b) Pass the Commission's reading and writing skills test.
  - (c) Can reasonably expect to meet the current minimum employment standards (a) to (i) in R 28.4102.

### R 28.4154 Waiver of Mandatory Training program; time for completion; extension.

Rule 4

- (1) A candidate authorized to attend the Waiver of Mandatory Training program shall attend the training and pass the required tests within three (3) months of receiving approval to enroll.
- (2) A candidate who does not complete the program within three (3) months of approval to enroll shall submit a new application.
- (3) For good cause, Commission staff may waive the time requirements and grant one three (3) month extension.

# R 28.4155 Waiver of Mandatory Training program; hours; content and scope; modification.

### Rule 5.

- (1) The Waiver of Mandatory Training program shall be not less than 40 hours. At a minimum, the content and scope of the program shall include all of the following areas:
  - (a) Criminal law and procedures.
  - (b) Motor vehicle traffic code and related statutes.
  - (c) Firearm proficiencies with a hand gun and familiarization with a shotgun.
  - (d) Defensive tactics.
  - (e) First aid training.
  - (f) Precision driving.
  - (g) Written and performance tests
- (2) The content and scope of the Waiver of Mandatory Training program may be modified as conditions warrant.

### **R 28.4156** Competence and performance examinations.

### Rule 6.

- (1) Written examinations shall be administered by the Commission's staff to determine the candidates competence in the functional areas defined in the Basic Police Training program.
- (2) Performance examinations may be administered for firearms, defensive tactics, precision driving, and other skills.
- (3) Competency shall be demonstrated on each test to successfully complete the Waiver of Mandatory Training program.

### R 28.4157 Retests; limitations; failure.

Rule 7.

- (1) A written test or skill performance test may be retaken at a time and place that is mutually agreeable by applicant and Commission staff.
  - (a) All retests shall be at the expense of the applicant.
- (2) A person who fails the written test or the performance test, or both, is limited to one written and performance retest within the time limits provided in R 28.4154.
- (3) A person who fails a retest shall be required to successfully complete the Michigan Basic Police Training program to be employed as a law enforcement officer.

### R 28.4158 Responsibilities of employing agency.

Rule 8.

- (1) Before employing a candidate who has passed the Waiver of Mandatory Training program, the employing agency shall do all of the following:
  - (a) Fulfill the requirements of R 28.4103, except as otherwise specified in these rules.
  - (b) Notify the Commission, in writing, of its intent to employ a candidate who has passed the Waiver of Mandatory Training program.
  - (c) Submit forms which are prepared and furnished by the Commission, and which detail documented compliance with employment and training rules.

### R 28.4159 Recertification.

Rule 9.

Upon completion of the recertification process, which includes passing the Waiver of Mandatory Training tests and employment as a law enforcement officer, the candidate shall be classified as a recertified law enforcement officer.

# R 28.4160 Organizations presenting waiver programs; minimum instructor qualifications.

Rule 10.

- (1) Any organization that has been approved by the Commission to present the Basic Police Training program may apply to present the Waiver of Mandatory Training program. The Commission may solicit additional organizations.
- (2) The minimum qualifications for instructing in the Waiver of Mandatory Training program are the same as those prescribed for the Basic Police Training program.

### R 28.4161 Training costs; reimbursement by the Commission.

Rule 11.

- (1) The costs for tuition and supplies shall be paid by the employing agency or, if not employed by an agency, by the individual.
- (2) The Commission may reimburse an employing agency for tuition, supplies, and live-in costs on a prorated basis of what is currently paid for those attending the Basic Police Training program.

### R 28.4162 Expiration of Waiver, extension.

Rule 12.

- (1) The Waiver of Mandatory Training shall expire twelve (12) months after the start of the training program or taking the Waiver test, whichever occurs first, unless the person is regularly employed as a Michigan police officer or the employing agency certifies to the Commission that all selection qualifications listed in R 28.4102, except Subsections (j), (k), (l), and (m) have been met.
- (2) For good cause, the Executive Director may waive the time requirements and grant one three (3) month extension.

### R 28.4163 Program manual.

Rule 13.

The Commission shall prepare and publish a manual, which is consistent with these rules, and which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearings.

### R 28.4164 Contested cases; compliance conferences and hearings.

Rule 14.

- (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being 24.201 *et seq.* of the Michigan Compiled Laws.
- (2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.

### **R 28.4165** Complaint.

Rule 15.

A complaint in a Commission policy or procedure shall be in writing, signed by the person making it, and filed with the Commission. A complaint is not open to public inspection until its validity is ascertained.

### R 28.4166 Violation of act; investigations; complaints.

Rule 16.

The Commission or the Executive Director may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.

### R 28.4167 Issuance of *ex parte* order denying right or privilege.

Rule 17.

- (1) After an investigation of a complaint has been conducted, the Commission or Executive Director may issue an *ex parte* order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.
- (2) The taking of emergency action shall not affect the impartiality of the Commission in its receipt and consideration of the evidence.

### R 28.4168 Contested cases; appointment of hearing officer; chief hearing officer.

Rule 18.

- (1) The Commission chairperson shall appoint a person or persons to be a hearing officer.
- (2) When two or more persons are appointed as hearing officers for a contested case, the Commission chairperson shall designate a chief hearing officer.

### R 28.4169 Contested cases; appointment of hearing officer; chief hearing officer.

Rule 19.

- (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.
- (2) Notice of hearing shall be served not less than twenty (20) days before the hearing.

### R 28.4170 Contested cases; answers and amendments.

Rule 20.

- (1) A respondent in a contested case shall file an answer to the complaint not less than ten (10) days before the hearing. This requirement may be waived by the Commission or Executive Director for good cause.
- (2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.

### R 28.4171 Contested cases; appearances at hearing.

Rule 21.

- (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.
- (2) If a person or persons who have been served with a notice of hearing fail to appear at the hearing, the Commission may proceed with the hearing on the evidence presented and make a decision.

### R 28.4172 Contested cases; adjournment or continuance of hearing.

Rule 22.

A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the Commission not less than five (5) days before the date of the hearing, unless good cause can be shown for failure to file within the five day limit. Notice of action on the request for adjournment shall be given to the parties.

### R 28.4173 Contested cases; stipulations.

Rule 23.

The parties to any contested case hearing before the Commission may, by stipulation in writing filed with the Commission, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to agree upon the facts when practicable.

### R 28.4174 Contested cases; depositions.

Rule 24.

Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan Rules of Court for taking depositions in civil cases in the state of Michigan, being Rule 2.304 *et seq.*, and all parties shall be given an opportunity to cross-examine the deponent under oath.

### R 28.4175 Contested cases; decision.

Rule 25.

The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the hearing officer's decision within fourteen (14) days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.

### R 28.4176 Contested cases; rescission.

Rule 26.

R 28.4201 to R 28.4206 of the Michigan Administrative Code appearing on pages 1 and 2 of the 1980 Annual Supplement to the 1979 Michigan Administrative Code, are rescinded.

### Officer Recertification

# Chapter V – Unit 2

# Application Requirements and Minimum Qualifications for a Waiver of Mandated Training

### **POLICY**

A Waiver of Mandated Training may be applied for by a person who was previously employed as a Michigan law enforcement officer; or who has received law enforcement training and experience in a state other than Michigan; or who has graduated from an approved preservice training school. A Waiver of Mandated Training may be granted to a person who meets MCOLES recertification requirements. In addition, a preservice graduate from an approved MCOLES school who is not employed as a law enforcement officer within one (1) year of completion of the basic academy or track courses may be granted a one (1) year extension by passing the Waiver of Mandatory Training requirements.

### **PURPOSE**

The MCOLES is responsible for preparing and publishing standards for the purpose of granting a Waiver of Mandatory Training to those individuals who qualify under the authority of PA 203, of 1965, as amended.

### **PROCEDURE**

### 2.01 Requirements for Application

- 1. A person may apply who:
  - (a) Has been previously certified as a Michigan law enforcement officer; and has discontinued employment for a period of time in excess of that provided for in Section 9 of PA 203, of 1965, as amended; and who can reasonably expect to meet the minimum employment requirements of R 28.4102 except for (j), (k), (l), and (m); or

- (b) Has been employed as a certified law enforcement officer in good standing in a state other than Michigan for more than one (1) year as a full time employee or over 2,080 hours equivalent.
- (c) Has within the past two years, graduated from an approved MCOLES preservice basic training program; who meets all the requirements under the preservice rules; and who has passing preemployment test scores but has not gained employment as a law enforcement officer.
- 2. A person meeting the requirements for application shall:
  - (a) Request an application for enrollment in a Waiver of Mandatory Training program.
  - (b) Complete an "Application for Recertification Based on a Waiver of Mandatory Training" (TC-2) with all appropriate attachments.
  - (c) Authorize the Commission to release his/her personal information.
  - (d) Be fingerprinted by a police agency on a Michigan State Police Applicant card (RI-8), and receive a favorable clearance from a state and federal fingerprint search.
- 3. The applicant shall attend the Waiver of Mandatory Training examination within three (3) months from the date of the MCOLES written approval of the application. A written request for a three (3) month extension may be made to the MCOLES by an applicant. Upon the expiration of one (1) three-month extension, the applicant shall submit a new letter requesting an application.
- 4. A preservice graduate shall complete the MCOLES approved update training program prior to taking the Waiver of Mandatory Training examination.

### 2.02 Waiver of the Mandatory Training Examination.

- 1. An Applicant shall:
  - (a) Attain a passing score on a written examination.
  - (b) Attain a qualifying score on an approved MCOLES firearms course for handgun and shotgun.

2. An Applicant may attend a MCOLES approved Waiver of Mandated Training school prior to taking the examination.

### 2.03 Requirements for Retests. (R 28.4157)

- 1. Applicants who do not successfully pass the Waiver of Mandatory Training written examination shall:
  - (a) Be given one (1) additional opportunity to successfully complete the written examination at another scheduled test administration within three (3) months of the first test.
  - (b) In the event of a failure on the second attempt a person shall be required to successfully complete the Michigan Basic Police Training to be employed as a law enforcement officer.
- 2. Applicants who fail their first attempt at the Waiver of Mandatory Training firearms proficiency exam shall:
  - (a) Be given additional opportunities to successfully complete the firearms proficiency exam at another scheduled test administration.

### 2.04 Requirements for Certification

- 1. In order to qualify for certification under the provisions of the Waiver of Mandatory Training, participants shall:
  - (a) Complete the application process for the Waiver of Mandatory Training; and
  - (b) Have received a favorable clearance from a state and federal fingerprint search; and
  - (c) Pass the Waiver of Mandatory Training written examination; and
  - (d) Pass the Waiver of Mandatory Training firearms proficiency examination; and

- (e) Possess a valid first aid and CPR certification from the American Red Cross or American Heart Association. Persons who hold an Emergency Medical Technician (EMT) license issued by the Michigan Department of Health may be exempt from the first aid requirements. A copy of the license shall be submitted to the MCOLES; and,
- (f) Meet the minimum employment requirements of R 28.4102 except for (J), (K), (L), and (M); and
- (g) Applicants other than preservice shall secure employment as a police officer within one (1) year of the date of the first attempt at the Waiver of Mandatory Training examination (written/firearms).
- (h) Preservice candidates shall obtain employment as a police officer within two (2) years of graduation from the Preservice Track program, or Basic Training Academy and meet requirements set forth in R 28.4309.

### Officer Recertification

# Chapter V – Unit 3

## Establishing a Waiver of Mandatory Training Program and Test Site

### **POLICY**

A Waiver of Mandatory Training program and test administration may only be administered by an approved regional basic training school or preservice basic training college or university under the rules of the Commission.

### **PURPOSE**

The MCOLES is responsible for establishing Waiver of Mandatory Training programs and test sites under the authority of the administrative rules R 28.4151 through 28.4176, PA 203, of 1965, as amended.

### **PROCEDURE**

# 3.01 Approval to Institute a Waiver of the Mandatory Training Program or Test Administration

- A. An MCOLES approved regional basic police school or preservice basic training college or university interested in establishing a Waiver of Mandatory Training Program shall:
  - 1. Submit to the MCOLES Executive Director a written request with the following information:
    - (a) A description of the facilities and equipment available.
    - (b) The nature and scope of financial and philosophical commitment.

- (c) Identification of the person responsible for program administration.
- (d) Authorization to the MCOLES to inspect all aspects of the Waiver of Mandatory Training program and to copy any documents.
- (e) Identification of the proposed curriculum, scheduling sequence, and instructors.
- (f) A statement acknowledging compliance with the MCOLES policies and procedures.

### 3.02 Commission Approval

The Commission's approval shall be obtained in writing before instituting a Waiver of Mandatory Training program.

### 3.03 Commission Denial

- A. The Commission may deny requests that:
  - 1. Are incomplete or inappropriate as determined by the Commission.
  - 2. Compromise the established regional delivery system.
  - 3. Require a financial commitment by the Commission.
  - 4. Have inadequate facilities and equipment.

#### Chapter V – Unit 4

#### Responsibilities and Duties of the Program Administrator

#### **POLICY**

It shall be the responsibility of the Training Director of the MCOLES approved regional basic police school or preservice basic training college or university to perform specific duties at an approved Waiver of Mandatory Training program/test administration location.

#### **PURPOSE**

This policy is to assign responsibility to a specific individual who will provide administrative oversight for the Waiver of Mandatory Training program.

#### **PROCEDURE**

#### Responsibilities and Duties of the Training Director

- 1. Provide proper facilities for the program/test. (See Unit 7)
- 2. Provide necessary equipment to ensure that program requirements can be met.
- 3. Allow the MCOLES to inspect all aspects of the approved program and to copy any documents.
- 4. Attend or be represented at all the MCOLES Waiver of Mandatory Training required meetings and conferences.
- 5. Ensure that the approved program is in compliance with the Commission approved policies and procedures and promulgated rules.
- 6. Receive program/test fees.
- 7. Provide the MCOLES and applicants with enrollment schedule information.

- 8. Provide program/test participants with lodging locations and cost information.
- 9. Assemble training materials and mail to all enrolled participants.
- 10. Establish and maintain a roster of program/test participants.
- 11. Provide a liaison person to work with the MCOLES testing coordinator prior to and during testing.
- 12. Provide financial analysis to the MCOLES upon request.
- 13. Notify the MCOLES of any changes in the structure or content of the approved Waiver of Mandatory Training program not less than 90 days before the start of the program.
- 14. Maintain direct supervision/administrative control over the Waiver of Mandatory Training program.
- 15. Utilize fully qualified and competent instructors.
- 16. Provide certified firearms instruction staff as determined by the MCOLES.
- 17. Orient instructors as to the rules and requirements of the Waiver of Mandatory Training program and provide each with a program outline, training material content, training aids, and information on related subjects in the Waiver of Mandatory Training program.
- 18. Establish rules regarding the use of firearms during the firearms course familiarization portion of the Waiver of Mandatory Training program.
- 19. Ensure that all participants' firearms are inspected for safety by a certified armorer prior to use.

#### Chapter V – Unit 5

#### Responsibilities of the Employing Agency

#### **POLICY**

In order to activate the law enforcement certification of an individual who has successfully completed the Waiver of Mandatory Training examination, an employing agency shall notify the Commission in writing of its intent to employ the candidate.

#### **PURPOSE**

This policy establishes the method by which the MCOLES will activate the law enforcement certification of an individual who has successfully completed the Waiver of Mandatory examination.

#### **PROCEDURE**

#### 5.01 Hiring Agency's Responsibility to Activate Certification. (R 28.4158)

In order to activate law enforcement certification, a hiring law enforcement agency shall:

- 1. Notify the MCOLES, in writing, of its intent to employ an individual who has successfully completed the Waiver of Mandatory Training process. This notification must include the individual's complete name, social security number, and date of employment.
- 2. Verify that the individual meets the minimum selection and employment standards except as otherwise specified in this chapter.
- 3. Submit a completed application for law enforcement certification packet provided by the MCOLES.

#### **5.02** Recertification (R 28.4159)

Upon receipt of all required documentation, the MCOLES will:

- 1. Review the submitted application forms for completeness and accuracy, and ensure applicant has fulfilled all requirements.
- 2. Review Waiver of Mandatory Training documents to verify successful completion of the Waiver of Mandated Training process.
- 3. Send Recertification or a Waiver of Mandated Training letter to the hiring agency head for presentation to the employee.
- 4. Send verification of law enforcement certification activation to the hiring agency head.

#### Chapter V – Unit 6

## Continuation, Revocation, and Approval of a Waiver of Mandatory Training Program or Test Site

#### **POLICY**

The MCOLES approved Waiver of Mandatory Training Facilities shall obtain Commission approval to continue operating as a Waiver of Mandatory Training site during the identified calendar year. The MCOLES may revoke approval or place a training program or test site on probation for cause.

#### **PURPOSE**

This policy allows an assessment as to whether the approved school is operated in compliance with the MCOLES policies and procedures.

#### **PROCEDURE**

#### 6.01 Continuation of Approved Training Program or Test Site.

- 1. The request for approval to continue offering a Waiver of Mandatory Training program/examination shall be submitted to the MCOLES by the Training Director of the MCOLES approved Waiver of Mandatory Training program by August 1<sup>st</sup> of every year and shall contain:
  - a. The number and dates of anticipated sessions for the upcoming calendar year (Jan 1 Dec 31) for planning purposes only.

- b. A statement committing the approved site to the stipulations set forth in the original approved proposal, or a description of any changes since the original proposal was approved.
- c. A statement committing the approved site to abide by the Commission's policies and procedures.

#### 6.02 Revocation of Commission approval; Probation.

- 1. A violation of the rules or deviation from the approved program by an approved training program or test site which is documented by the MCOLES, constitutes cause to revoke approval as a Waiver of Mandatory Training site before, during or after any session.
- 2. The Commission may place an approved site on probation for a specific time frame instead of revoking approval.

#### 6.03 Approved sites; Right to Appeal Denials, Revocations, and Probations

- 1. Approved Waiver of Mandatory Training program sites shall have standing to appeal denials, revocations, and probations to the Commission within three (3) days of the original notice.
- 2. The Commission's decisions on appeal are binding.

#### 6.04 The MCOLES Approval of Each Session

- 1. Approved Waiver of Mandatory Training program schools shall submit a written request to the MCOLES for approval to initiate a training session at least two (2) weeks prior to the proposed starting date. The request shall include:
  - a. A curriculum outline.
  - b. A completed list of instructors by topic area.

- c. List of registered participants identifying components to be completed.
- d. Exact facilities to be utilized.
- 2. When a Waiver of Mandatory Training program has fulfilled all requirements of renewal, a performance contract will be placed in effect. A performance contract shall be signed and returned to the MCOLES.

#### Chapter V – Unit 7

#### Facilities and Equipment

#### **POLICY**

An approved Waiver of Mandatory Training location's facilities and equipment shall meet all established MCOLES requirements.

#### **PURPOSE**

The Commission is responsible for establishing an evaluation or testing process, or both for the purpose of granting a Waiver of Mandatory Training under the authority of PA 203, of 1965, as amended.

#### **PROCEDURE**

#### 7.01 Minimum Requirements for Facilities.

#### 1. Classroom

The classroom shall have an environment (climate control, noise barrier, seating, etc.) that is conducive to effective learning.

#### 2. Firearms Range

The firearms range, whether indoors or outdoors, shall comply with current MCOLES firearms specifications.

#### 7.02 Minimum Requirements for Equipment

The approved Waiver of Mandatory Training program/test location shall have:

1. Suitable audio/visual equipment

- 2. Projection screen that meets projection standards for room size
- 3. Copier Equipment.
- 4. Flip Chart
- 5. Chalkboards
- 6. Equipment shall consist of eye and ear protectors for each person on the firearms range (individuals may provide their own). The protectors shall be of suitable quality and be recognized by the Michigan Occupational Safety and Health Act as appropriate safety equipment
- 7. Fax Line
- 8. Shotguns (police type)

#### Chapter V – Unit 8

#### Instructor Qualifications

#### **POLICY**

Instructors in the Waiver of Mandatory Training program shall meet the same qualifications as instructors for Basic Police Training schools.

#### **PURPOSE**

Instructors shall possess the necessary experience, knowledge and skills to effectively instruct in their assigned areas of the Waiver of Mandatory Training program. Also, an instructor's demeanor shall be consistent with acceptable standards of classroom conduct.

#### **PROCEDURE**

#### **8.01** Instructor Qualifications

1. Minimum Instructor Requirements:

An instructor shall have a minimum of one (1) year job experience or have the professional training, demonstrable skills and experience that relates to the subject area(s) to which the instructor is assigned. The instructor shall be recommended by the Training Director to receive MCOLES approval.

2. Legal Instruction:

All legal subjects shall be taught by an attorney admitted to the Michigan Bar.

3. Standard First Aid, Child Birth, and Vehicle Extrication:

An instructor in standard first aid and personal safety, child birth, and vehicle extrication shall first be approved by the American Red Cross to instruct in each of these subjects.

#### 4. Cardio-Pulmonary Resuscitation (CPR):

An instructor of cardiopulmonary resuscitation (CPR) shall first be approved by the American Red Cross or Michigan Heart Association to instruct this subject.

#### 5. Subject Control:

A subject control instructor shall first successfully complete a MCOLES recognized subject control instructor training program and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by the MCOLES.

#### 6. Emergency Vehicle Operation:

A Emergency Vehicle Operation Instructor shall first successfully complete a MCOLES recognized driver training instructor training program and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by MCOLES.

#### 7. Firearms:

A firearms instructor shall first successfully complete a MCOLES recognized firearms instructor training program and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and Primary Instructor as approved by the MCOLES.

#### 8. Hazardous Materials:

A hazardous materials instructor shall first successfully complete a recognized HazMat instructor course and serve as an assistant instructor under the tutelage of a Primary Instructor. The instructor shall be recommended by the Training Director and approved by MCOLES.

#### 9. Speed Measurement:

A speed measurement instructor shall first successfully complete a MCOLES recognized speed measurement instructor course and be certified by MCOLES to instruct speed measurement.

#### 8.02 Classroom Demeanor and Appearance

- 1. An instructor shall reflect high standards of behavior and professional bearing and appearance in the classroom and during all Waiver of Mandatory training activities.
- 2. An instructor shall have the ability to effectively communicate with students as adult learners and to instruct in a manner that motivates students to learn.

#### 8.03 Preparation for and Execution of Instructional Responsibilities

- 1. An instructor should complete an instructor training course that includes the principles of adult learning theory.
- 2. Each instructor shall complete a formal lesson plan using the MCOLES Waiver of Mandatory training module objectives. The lesson plan(s) should include time allotments and use of training aids.

#### **8.04** Primary and Assistant Instructors

- 1. Primary Instructors are individuals qualified to teach a specific <u>skill area</u> and are recognized as such by the MCOLES. Only Primary Instructors are authorized to teach in the skill areas as lead instructors but may be assisted by others (Assistant Instructors).
- 2. Assistant Instructors who seek status as Primary Instructors in the skill areas of subject control, emergency vehicle operation, and firearms shall first teach under the tutelage of a Primary Instructor as prescribed by the MCOLES.

Subject Control: The instructor shall function as an assistant instructor under the tutelage of a current primary subject control instructor for 48 on-site hours.

Emergency Vehicle Operation: The instructor shall function as an assistant instructor under the tutelage of a current primary emergency vehicle operation instructor for (24) on-site hours during one academy session.

Firearms: The instructor shall function as an assistant instructor under the tutelage of a current primary firearms instructor until competency is reached to be approved by a Primary Instructor.

#### 8.05 Continuation of Instructor Status

- 1. An instructor shall be formally evaluated by the Training Director or his/her designate at least once every two (2) years. The instructor shall be evaluated to determine whether the instructor 1) possesses the requisite skills and knowledge in the subject; 2) uses a suitable written lesson outline; and, 3) effectively delivers training in the classroom. Failure to perform satisfactorily may result in the revocation of instructor status by the MCOLES.
- 2. An instructor shall teach in his/her assigned curriculum area at least once every two (2) years in order to maintain the MCOLES approved status. It is the instructor's responsibility to remain current in his/her respective area of instruction.

#### Chapter V – Unit 9

#### **Commission Program Monitoring**

#### **POLICY**

The MCOLES will conduct periodic inspections of the Waiver of Mandatory Training program at approved locations to ensure student and training institution compliance with the Commission's policies and procedures.

#### **PURPOSE**

The purpose of this policy is to fulfill the MCOLES statutory responsibility for program oversight. On-site monitoring and inspection of approved programs provides an independent verification that the students and the institution are in compliance with all applicable requirements, procedures and laws relative to law enforcement training and certification.

#### **PROCEDURE**

#### 9.01 MCOLES Program Monitoring

- 1. The MCOLES Inspectors shall conduct on-site inspections and program audits of approved programs, and
- 2. Contact the Training Director before training staff, instructors, or trainees are contacted, and
- 3. Advise the Training Director of the results of an inspection.

#### Chapter V - Unit 10

#### Forms and Procedures

#### **POLICY**

The Training Director of an approved Waiver of Mandatory Training Site shall complete and submit all required MCOLES forms.

#### **PURPOSE**

This policy establishes the procedure for collecting appropriate documentation that will serve as the official state record verifying that the requirements of Section 9 (3) of Public Act 203, of 1965, as amended, have been fulfilled.

#### **PROCEDURE**

A description of the required forms and their purpose follows:

#### 10.01 Performance Contract/Letter of Understanding

This document shall be signed by the Training Director and returned to the MCOLES at least two (2) weeks prior to the scheduled Waiver of Mandatory Training program/examination.

#### 10.02 Waiver of Mandatory Training Program Schedule

A schedule of detailed content areas that shows compliance with the MCOLES program requirements for update training shall be submitted to MCOLES at least two (2) weeks prior to the start of the scheduled program.

#### 10.01 Performance Contract/Letter of Understanding

The Training Director shall provide a list of participant names with social security numbers.

This document control entry to the Waiver of Mandatory Training examination and shall be available at least two (2) days prior to the MCOLES program orientation or scheduled examination.

## MC©LES Policy & Procedure

### **Chapter VI**

# and MILITARY CERTIFIED BASIC TRAINING and EXPERIENCE

#### **TABLE OF CONTENTS**

#### THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

#### Acceptance of Federal and Military Certified Basic Training and Experience Chapter VI

#### <u>Unit</u>

- Acceptance of Federal Certified Basic Training Requirements
   (Application Requirements and Minimum Qualifications)
- Acceptance of Military Certified Basic Training Requirements
   (Application Requirements and Minimum Qualifications)

## Acceptance of Federal Certified Basic Training and Experience

#### Chapter VI – Unit I

#### Application Requirements and Minimum Qualifications

#### **POLICY**

The Commission may accept certified basic police training and experience received as a federal law enforcement officer in fulfillment in whole or in part of the minimum employment standards prepared and published by the Commission.

#### **PURPOSE**

The Commission is responsible for preparing and publishing standards for the purpose of recognition of training and experience to those individuals who qualify under the authority of PA 203, of 1965, as amended.

#### **DEFINITIONS**

"Certified basic police training" means the basic law enforcement training curriculum offered by the Federal Bureau of Investigation or the Federal Law Enforcement Training Center that allows a qualified graduate to be a federal law enforcement officer.

"Federal law enforcement agency" means the United States Federal Bureau of Investigation (FBI), Treasury Service, Drug Enforcement Agency (DEA), Bureau of Alcohol, Tobacco and Firearms (ATF), Border Patrol, Customs, Postal Inspectors, or Marshal Service.

"Federal law enforcement officer" is any person employed by a federal law enforcement agency, as defined in this policy, who has full powers of arrest and the authority to carry firearms in the performance of his/her duties as a law enforcement officer.

#### **PROCEDURES**

#### 1.01 Requirements for Application

- 1. A person may apply who:
  - (a) Is or has been previously employed by a federal law enforcement agency as a law enforcement officer; and
  - (b) Is a graduate of the certified police training as defined in this policy; and
  - (c) Who can reasonably expect to meet the minimum employment requirements of R28.4102 except for (j), (k), (l); and
  - (d) Can provide written verification of law enforcement employment and certified law enforcement training.
- 2. A person meeting the requirements for application shall:
  - (a) Submit a letter requesting an application for acceptance of certified federal basic training and experience received in states other than Michigan. This request shall include the individual's complete name, social security number, and identification of the hiring law enforcement agency, or endorsement of a Michigan law enforcement agency.
  - (b) Complete an application for acceptance of certified basic training and experience received in states other than Michigan;
  - (c) Authorize the Commission to release his/her personal information;
  - (d) Be fingerprinted by a police agency on a Michigan State Police Applicant card (RI-8), and receive a favorable clearance from a state and federal fingerprint search.

#### 2.04 Minimum Qualifications for Certification

- 1. In order to qualify for certification under the provisions of acceptance of certified federal basic training and experience received in states other than Michigan, candidate shall:
  - (a) Complete the application process for the acceptance of certified federal basic training and experience received in states other than Michigan;
  - (b) Receive a favorable clearance from a state and federal fingerprint search;
  - (c) Pay all costs associated with meeting the requirements set forth in this policy;
  - (d) Attend and participate in all applicable basic training addressing Michigan law and procedures in the areas of investigation, patrol, detention and prosecution, police skills, traffic and special operation as determined by a congruency study of the applicants previous training and experience and the Michigan basic police training program. All applicable provisions of Chapter III Local and Regional Basic Training School Policies and Procedures Manual shall apply unless otherwise stated in this policy;
  - (e) Pass the firearms proficiency examination;
  - (f) Complete the first aid requirements outlined in the mandatory Basic Police Training Program;
    - Persons who hold an Emergency Medical Technician (EMT) license issued by the Michigan Department of Health may be exempt from the first aid requirements. A copy of the license shall be submitted to the MCOLES:
  - (g) Meet the minimum employment requirements of R28.4102 except as otherwise specified in this policy;

- (h) Take the Basic Training Certification examination within six (6) months from the date of the MCOLES written approval of the application. A written request for a three (3) month extension may be made to the MCOLES by an applicant. Upon the expiration of one (1) three month extension, the applicant shall submit a new letter requesting an application;
- (i) Pass the Basic Training Certification Examination as provided in R28.4102(m);
- (j) Secure employment as a fully empowered Michigan police officer within one (1) year of the date on which the applicant is first administered the Basic Training Certification examination.

## Acceptance of Military Certified Basic Training and Experience

#### Chapter VI - Unit 2

#### Application Requirements and Minimum Qualifications

#### **POLICY**

The Commission may accept certified basic police training and experience received while serving as a military law enforcement agent in fulfillment in whole or in part of the minimum employment standards prepared and published by the Commission.

#### **PURPOSE**

The Commission is responsible for preparing and publishing standards for the purpose of recognition of training and experience to those individuals who qualify under the authority of PA 203, of 1965, as amended.

#### **DEFINITIONS**

"Certified basic police training" means the basic law enforcement training curriculum offered by the United States Armed Forces that allows a qualified graduate to be a military law enforcement agent.

"Military law enforcement agent" means any person who successfully passed the certified basic police training, served in the National Guard, Reserve, or regular United States Armed Forces, had full powers of arrest and the authority to carry firearms in the performance of his/her duties as a law enforcement agent and held a military specialty code or either Air Force: 811X2, 811X0; or Army: 95B, 95C; or Navy/Coast Guard: 9548, 9541, 9542; or Marine Corps: 5811, 5812.

#### **PROCEDURES**

#### 1.01 Requirements for Application

- 1. A person may apply who:
  - (a) Is or has served as a military law enforcement agent; and
  - (b) Is a graduate of the certified police training as defined in this policy; and
  - (c) Who can reasonably expect to meet the minimum employment requirements of R28.4102 except for (j), (k), (l); and
  - (d) Can provide written verification of law enforcement employment and certified law enforcement training.
- 2. A person meeting the requirements for application shall:
  - (a) Submit a letter requesting an application for acceptance of military certified basic police training and experience. This request shall include the individual's complete name, social security number, and identification of the hiring law enforcement agency, or endorsement of a Michigan law enforcement agency.
  - (b) Complete an application for acceptance of military certified basic police training and experience.
  - (c) Authorize the Commission to release his/her personal information;
  - (d) Be fingerprinted by a police agency on a Michigan State Police Applicant card (RI-8), and receive a favorable clearance from a state and federal fingerprint search.

#### 2.04 Minimum Qualifications for Certification

- 1. In order to qualify for certification under the provisions of acceptance of military certified basic police training and experience, the candidate shall:
  - (a) Complete the application process for the acceptance of military certified basic police training and experience.

- (b) Receive a favorable clearance from a state and federal fingerprint search;
- (c) Pay all costs associated with meeting the requirements set forth in this policy;
- (d) Attend and participate in all applicable basic training addressing Michigan law and procedures in the areas of investigation, patrol, detention and prosecution, police skills, traffic and special operation as determined by a congruency study of the applicants previous training and experience and the Michigan basic police training program. All applicable provisions of Chapter III Local and Regional Basic Training School Policies and Procedures Manual shall apply unless otherwise stated in this policy;
- (e) Pass the firearms proficiency examination;
- (f) Complete the first aid requirements outlined in the mandatory Basic Police Training Program;
  - Persons who hold an Emergency Medical Technician (EMT) license issued by the Michigan Department of Health may be exempt from the first aid requirements. A copy of the license shall be submitted to the Commission;
- (g) Meet the minimum employment requirements of R28.4102 except as otherwise specified in this policy;
- (h) Take the Basic Training Certification examination within six (6) months from the date of the MCOLES written approval of the application. A written request for a three (3) month extension may be made to the MCOLES by an applicant. Upon the expiration of one (1) three month extension, the applicant shall submit a new letter requesting an application;
- (i) Pass the Basic Training Certification Examination as provided in R28.4102(m);
- (j) Secure employment as a fully empowered Michigan police officer within one (1) year of the date on which the applicant is first administered the Basic Training Certification examination.